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

WASHINGTON, DC

[Two Sessions]

WHEN: March 12, 1996 at 9:00 am and March 26, 1996 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

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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 COMMERCE

Economic Development Administration

13 CFR Chapter III

[Docket No. 950525142–6028–02]

RIN 0610–AA47

Simplification and Streamlining of Regulations of the Economic Development Administration

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: Final rule.

SUMMARY: The Economic Development Administration (EDA) has amended all of its regulations so that they are easy to read and use, and accurately reflect program requirements, evaluation criteria and selection process in implementing programs under the Public Works and Economic Development Act of 1965, as amended, (PWEDA or the Act) the Trade Act of 1974, as amended (the Trade Act) and other statutes to be noted herein. This streamlining effort includes the removal of numerous unnecessary, redundant and outdated parts, sections and portions thereof.

EFFECTIVE DATE: This rule is effective on March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Awilda R. Marquez, (202) 482–4687; fax number: (202) 482–5671.

SUPPLEMENTARY INFORMATION:

Background

• Pursuant to a directive from President Clinton to Federal agencies in March of 1995 regarding their responsibilities under his Regulatory Reform Initiative (as part of the National Performance Review), EDA undertook a comprehensive review of its rules to remove those which were obsolete or unnecessary and to modify those in need of reform.

• On September 26, 1995, EDA published an interim-final rule on simplification and streamlining its regulations (60 FR 49670–49703). In this interim-final rule EDA removed over 60% of its then existing rules and streamlined and clarified those which remained. The public was invited to submit comments on the interim-final rule for a period of sixty (60) days ending November 27, 1995.

Comments on the Interim-Final Rule

EDA received comments from more than twenty (20) persons, all of whom are or were EDA officials.

• OMB Control Numbers.

A commenter noted that the OMB control numbers needed to be updated.

We concur and have made the appropriate change to § 300.3.

• Notice of Funding Availability (NOFA).

Commenters noted that the acronym ''NOFA'' was not explained in the general information section of the interim-final rule and that for various programs, references to general information at § 300.4 should more appropriately be to the NOFA.

We concur and have changed 13 CFR 300.4, 307.13(b), 307.18(b), 308.5(b), and 315.8(a) accordingly.

• Area designation-American Indian lands.

A commenter suggested that the section on American Indian area designation should be modified to clarify what is required when non-contiguous land is considered as one area, noting that a relationship between the land must be demonstrated.

We concur and have made the appropriate change to 13 CFR 301.4(d).

• Area designation-per capita employment decline.

A commenter suggested that the term ''out-migration'' as used in conjunction with per capita employment decline, as a basis of area designation be changed to ''population loss'' as a more apt and readily available descriptive term. This commenter also suggested that per capita employment decline be modified so that what is measured is the decline of the working age population.

We do not concur because the regulation as currently written in 13 CFR 301.9 accurately reflects PWEDA.

• Economic Development Districts.

A commenter made suggestions for clarifications and corrections of 13 CFR 302.4(a); 302.13; 302.17 and 302.18.

We concur with all of the above and have made the recommended changes, with the exception of § 302.13 (c), since we do not agree that the use of a pronoun to describe the Economic Development Center (EDC) is unclear.

• Overall Economic Development Program (OEDP).

A commenter recommended that the section describing requirements for District OEDPs be modified to make it clear that both conditions listed must be satisfied.

We concur and have changed 13 CFR 303.2(a) accordingly.

A commenter recommended that the section describing Area OEDP committees be further streamlined and clarified.

We concur and have revised 13 CFR 303.3(a)(1) accordingly.

• Selection Process.

Commenters made suggestions concerning programs which are reviewed, processed and approved in EDA headquarters—National Technical Assistance and Research, to clarify language about Solicitation of Proposals, and to accommodate proposals in excess of two pages with allowances for more in-depth project descriptions in applications, if so requested by EDA.

We concur and have made the suggested changes to 13 CFR 304.1 (a)(1)(i) and (a)(3)(iii).

Commenters recommended that for those programs where Regional Directors have been delegated the authority to approve projects, changes be made indicating that appropriate Regional Office Project Review Committees (PRCs) shall have the opportunity to review all proposals (wherever originally received); PRC meetings will be regularly scheduled, and proponents will be given timely written notice of the results of the PRC meeting at which their proposal was reviewed.

We concur and have made the suggested changes to 13 CFR 304.1 (a)(2)(i), (a)(2)(ii), and (a)(2)(iii).

Commenters recommended that a sentence be added to the section describing general evaluation criteria indicating that each annual FY NOFA could identify special areas of interest for that FY.

We concur and have changed 13 CFR 304.1(b) accordingly.

• Proposal form.

A commenter suggested that the standard OMB proposal form number be noted in the final rule.

We concur and have changed 13 CFR 304.1(a)(1)(i) accordingly.

• Award requirements.

A commenter noted that for programs under Titles I and IX of PWEDA, the award period can be no longer than the end of the fifth fiscal year after the award was made.

We concur and have made the changes to 13 CFR 305.7(a) and 308.7(a) accordingly.

• Public Works and Development Facilities Program.

Public Works Impact Program (PWIP): A commenter suggested that a statement be added to the evaluation criteria at 13 CFR 305.6 indicating that a major purpose is for speedy work.

We do not concur, because to do so would be to repeat what is stated in PWEDA (42 U.S.C. 3131(a)(1)(D)).

Supplementary grant rates: A commenter recommended that the median family income category for computation of supplementary grant rates at 13 CFR 305.8(b)(6) through (b)(8) be replaced by per capita income, because it is virtually impossible to have such low median family income ranges in today's economy.

We do not concur because the statute requires the use of median family incomes. We have, however, updated median family income figures based upon the 1990 U.S. Census.

Grants for construction cost increases: A commenter suggested redrafting and making 13 CFR 305.10 a part of 13 CFR part 316, since change of scope applies to other projects in addition to those involving construction.

We do not concur because this section is intended to apply only to statutorily authorized grants for construction cost increases under section 107 of PWEDA. Any other change of scope matters not specifically addressed in the rule are covered under 13 CFR 316.10.

New Subpart for Other Requirements: A commenter suggested an additional Subpart C for part 305, because the subjects in §§ 305.11–305.15 more appropriately should be included under a new Subpart C-Other Requirements.

We concur and have made the necessary changes to the rule by adding a Subpart C to part 305.

Disbursement of grant funds: A commenter suggested that 13 CFR 305.11 (a)(1), (a)(4) and (a)(6) be deleted on the ground that they are burdensome and go beyond uniform federal requirements. The commenter also suggested that other portions of the disbursement section either be deleted as duplicative of general federal requirements or be moved to 13 CFR part 316 for all programs.

We do not concur because a consensus had been reached prior to publication of the interim-final rule that these conditions were needed in order to provide a structure within which EDA could exercise its judgment concerning grant disbursements.

Amendments and changes: A commenter suggested that this requirement under 13 CFR 305.13 applies to all programs, not just to public works under Title I, and should therefore, be moved to 13 CFR part 316.

We concur and have redesignated this requirement at 13 CFR 316.11.

Contract and subcontract clauses: A commenter suggested that this requirement under 13 CFR 305.15 applies to all programs, not just to public works under Title I, and should therefore, be moved to 13 CFR part 316.

We concur and have moved this requirement to 13 CFR 316.12.

• Local and National Technical Assistance.

Eligible applicants: Commenters suggested that the interim-final rule incorrectly includes other applicants such as private individuals, partnerships, firms and corporations (for-profits) as eligible grantees under the Local and National Technical Assistance programs under 13 CFR part 307.

We concur and have revised the interim-final rule at 13 CFR 307.2(c) and 307.12(c) to delete references to these other applicants. This change is made consistent with our revised interpretation of relevant provisions of PWEDA and the Federal Grant and Cooperative Agreement Act.

Other changes: Commenters suggested other changes for clarity and consistency with other portions of the rule, at 13 CFR 307.13(b), 307.14(e), 307.16 and 307.18(b).

We concur and have made these changes in the final rule. Research topics and structure: Commenters suggested that for the National Technical Assistance Program, the evaluation criterion describing levels of preferences for projects, based upon geographic scope, be modified to remove the levels of preferences.

We concur and have modified 13 CFR 307.20(c) accordingly.

• Title IX—Economic Adjustment Revolving Loan Fund (RLF).

Nonrelocation: A commenter suggested that the interim-final rule be modified to include borrowers under the Title IX Economic Adjustment Revolving Loan (RLF) program.

After discussion within the agency, we decided not to modify the interim-final rule at 13 CFR 316.4, but instead to include applicable nonrelocation requirements as part of RLF Plans and, if need be, as special conditions of the grant.

Subgrants: A commenter suggested that for RLF grants involving subgrants, processing be specifically set forth indicating those aspects to be reviewed and monitored by EDA and those to be handled by EDA's RLF grantees on EDA's behalf.

After discussions within the agency, it was determined that the rule should remain silent in this matter. Processing of subgrants will continue to be handled on a case by case basis to be covered in grant award documents, including special conditions by those Regional Offices handling such projects.

• Estimated useful life determinations.

A commenter suggested that the interim-final rule at 13 CFR part 314 be changed to add a maximum estimated useful life for projects, up to but not exceeding 20 years.

We do not concur because of applicable case law concerning extinguishing the Federal interest in projects.

• Evidence of Title to real property.

A commenter suggested that the interim-final rule be modified at 13 CFR 314.7 so that only recipients without the power of eminent domain be required to submit evidence of title.

We do not concur with this suggestion because the title requirements apply to all grantees, regardless of their legal status.

• Trade Act.

A commenter recommended changes to the definitions of firm, Partial separation, and A significant number of proportion of workers to more accurately reflect EDA's current policies concerning such terms.

We concur and have changed 315.2 accordingly.

Other changes: A commenter recommended changes to four other sections (selection process, certification requirements, processing petitions for certification, and hearings, appeals and final determinations) of the Trade Act portion of the rule, in order to clarify meanings.

We concur and have made changes accordingly to 13 CFR 315.5(b)(2), 315.9(a), 315.10 (b)(4) through (b)(6), and 315.11(a).

• Environment.

A commenter suggested that the Notice requirement under NEPA regulations be moved from EDA's annual FY NOFA to EDA's regulations,

since this is a continuing requirement that more appropriately should be codified along with other similar matters found in 13 CFR chapter III.

We concur and have added this to 13 CFR 316.1 (b)(1)(i) and (b)(1)(ii).

A commenter noted an error in the citation to the Resource Conservation and Recovery Act of 1976.

We concur and have changed 13 CFR 316.1(b)(7) accordingly.

• Excess capacity.

Commenters suggested that four of the five definitions—''capacity'', ''demand'', ''efficient capacity'', and ''existing competitive enterprise'', be modified slightly to enable applicants to more easily provide information to EDA from which the agency can make necessary excess capacity findings and determinations.

We concur and have modified 13 CFR 316.3(b) accordingly.

• Civil rights.

Several commenters suggested changing the interim-final rule to give applicants for planning grants the option of submitting employment data on the ED–612 or in a narrative format traditionally used by such applicants/grantees containing comparable information to that provided on the ED–612.

We concur and have modified 13 CFR 317.1 accordingly.

A commenter suggested that we consider including developers as ''Other Parties'' for purposes of submission of civil rights employment data forms.

After discussions within the agency, it was determined that there is no need to modify the interim final rule, and that any special situations involving developers could, if need be, be covered by grant award special conditions.

Savings Clause

The rights, duties, and obligations of all parties pursuant to parts, sections and portions thereof of the Code of Federal Regulations removed by this rule shall continue in effect.

Executive Order 12866

This rule has been determined to be significant for purposes of E.O. 12866.

Regulatory Flexibility Act

Since notice and an opportunity for comment are not required to be given for the rule under 5 U.S.C. 553 or any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 601–612) no initial or final Regulatory Flexibility Analysis is required, and none has been prepared.

Paperwork Reduction Act

This rule does not contain new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

E.O. 12612

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

List of Subjects

13 CFR Part 300

Organization and functions (Government agencies), Reporting and recordkeeping requirements.

13 CFR Part 301

Community development.

13 CFR Part 302

Community development, Grant programs—business, Grant programs—housing and community development, Loan programs—business, Loan programs—housing and community development, Technical assistance.

13 CFR Part 303

Community development, Reporting and recordkeeping requirements.

13 CFR Part 304

Community development.

13 CFR Part 305

Community development, Community facilities, Grant programs—housing and community development, Indians.

13 CFR Part 307

Business and industry, Community development, Grant programs—business, Grant programs—housing and community development, Indians, Research, Technical assistance.

13 CFR Part 308

Business and industry, Community development, Community facilities, Grant programs—business, Grant programs—housing and community development, Indians, Manpower training programs, Mortgages, Relocation assistance, Rent subsidies, Reporting and recordkeeping requirements, Research, Technical assistance, Unemployment compensation.

13 CFR Part 312

Community development, Grant programs—housing and community development.

13 CFR Part 314

Community development, Grant programs—housing and community development.

13 CFR Part 315

Administrative practice and procedure, Community development, Grant programs—business, Grant programs—housing and community development, Technical assistance, Trade adjustment assistance.

13 CFR Part 316

Community development, Community facilities, Freedom of information, Grant programs—housing and community development.

13 CFR Part 317

Aged, Civil rights, Equal employment opportunity, Individuals with disabilities, Reporting and recordkeeping requirements, Sex discrimination.

Accordingly, the interim rule revising 13 CFR Chapter III which was published at 60 FR 49670 on September 26, 1995, is adopted as a final rule with the following changes:

PART 300—GENERAL INFORMATION

1. The authority citation for part 300 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 300.3 is amended by revising paragraph (b) to read as follows:

§ 300.3 OMB control numbers.

* * * * *

(b) Control Number Table:

13 CFR part or section where identified and described	Current OMB control No.
303	0610–0093
305	0610–0094
	0610–0092
308	0610–0092
312.5	0610–0094
315	0610–0091
316.4	0610–0082

3. Section 300.4 is revised to read as follows:

§ 300.4 Economic Development Administration—Washington, D.C., Regional and Economic Development Representatives.

For addresses and phone numbers of the Economic Development Administration in Washington, D.C., Regional and Field Offices and Economic Development Representatives, refer to EDA's annual Fiscal Year (FY) Notice of Funding Availability (NOFA).

PART 301—DESIGNATION OF AREAS

1. The authority citation for part 301 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 301.4 is amended by revising paragraph (d) to read as follows:

§ 301.4 Designation on the basis of American Indian lands.

* * * * *

(d) When the determination of economic distress pertains to land areas that are not contiguous, it must be shown that there is a clear economic connection justifying the inclusion of the noncontiguous land areas that will contribute to a more effective economic development program for the area.

PART 302—ECONOMIC DEVELOPMENT DISTRICTS

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

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 302.4 is amended by revising paragraph (a) introductory text to read as follows:

§ 302.4 District organizations.

(a) The district organization is a prerequisite to the awarding of a planning grant and to the initial designation of EDDs. The District shall be organized in one of the following manners:

* * * * *

3. Section 302.13 is amended by redesignating the introductory text and paragraphs (a) through (d) as paragraph (a) introductory text and paragraphs (a)(1) through (a)(4), revising newly designated paragraph (a)(2), and designating the undesignated paragraph at the end of the section as paragraph (b) to read as follows:

§ 302.13 Termination and suspension of economic development centers.

(a) * * *

(2) The economic development center no longer meets the standards for designation, § 302.10;

* * * * *

4. Section 302.17 is revised to read as follows:

§ 302.17 Grant rate for economic development center projects.

The grant rate for projects under Title I of the Act in EDCs, which are growth centers not located in designated redevelopment areas, shall not exceed 50 percent of the project costs except for the ten percent bonus provided for in § 302.18 and § 305.9 of this chapter.

5. Section 302.18 is revised to read as follows:

§ 302.18 Financial assistant redevelopment centers.

The eligibility of redevelopment centers for EDA financial assistance, including the ten percent bonus as provided for herein, is the same as for any designated redevelopment area within the district. The grant rate for the redevelopment center shall be determined by the rate applicable to the redevelopment area within which it is located.

PART 303—OVERALL ECONOMIC DEVELOPMENT PROGRAM

1. The authority citation for part 303 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 303.2 is amended by revising paragraph (a) to read as follows:

§ 303.2 Redevelopment area—District OEDPs.

* * * * *

(a) The area actively participates in and supports the district OEDP planning process; and

* * * * *

3. Section 303.3 is amended by redesignating paragraphs (a) introductory text and (a)(1) as paragraphs (a)(1) and (a)(2) respectively, and by revising the newly designated paragraph (a)(2) to read as follows:

§ 303.3 Redevelopment area OEDP committee.

(a) * * *

(2) Redevelopment area OEDP committees are required only in areas not located in EDDs. EDA recommends OEDP committees in all areas whenever practicable.

* * * * *

PART 304—GENERAL SELECTION PROCESS AND EVALUATION CRITERIA

1. The authority citation for part 304 continues to read as follows:

Authority: Sec. 701, Pub.L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 304.1 is amended by revising paragraphs (a)(1)(i), (a)(2)(ii), (a)(2)(iii), (a)(3)(iii), and (b) to read as follows:

§ 304.1 General selection process and evaluation process and evaluation criteria for programs under PWEDA.

* * * * *

(a) * * *

(1) * * *

(i) There will be a brief proposal on the OMB approved form, number 0610–0094, consisting of the face sheet (SF–424) and two additional pages, except for projects under part 307, subparts C and D, of this chapter for which proponents may include more than two pages if necessary to provide adequate information to EDA upon which to make an informed determination whether to invite a more comprehensive proposal and application, including for example, budget, scope of work and capability statements.

* * * * *

(2) * * *

(ii) Such proposals, whether received through contact with the appropriate Economic Development Representative (EDR) or Regional Office of EDA, shall have the opportunity to be formally reviewed by the appropriate Regional Office Project Review Committee (consisting of at least three EDA officials) (PRC). Generally, an EDR will evaluate proposals under paragraph (b) of this section before submitting them to the EDA Regional Office for such review.

(iii) The results of these PRC meetings shall be communicated to the proponents in writing and in a timely manner, advising them that they are: being invited to submit a formal application; having their application returned because of specified deficiencies (resubmissions will be allowed when the deficiencies are cured) or being denied for specific reasons.

* * * * *

(3) * * *

(iii) If the proposal is acceptable under paragraph (b) of this section, EDA may invite proponents to submit applications which must include a more detailed and comprehensive project narrative.

* * * * *

(b) General evaluation criteria for projects to be funded under parts 305, 307 and 308 of this chapter in addition to criteria noted in such parts, are as follows: All proposals/applications will be screened for conformance to statutory and regulatory requirements, the relative severity of the economic problem of the area, the quality of the scope of work proposed to address the

problem, the merits of the activity(ies) for which funding is requested, and the ability of the prospective applicant to carry out the proposed activity(ies) successfully. The NOFA may identify special areas of interest for the fiscal year of such NOFA.

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

1. The authority citation for part 305 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 305.7 is amended by revising paragraph (a) to read as follows:

§ 305.7 Award requirements.

(a) Projects are expected to be completed in a timely manner consistent with the nature of the project. Normally, the maximum period for any financial assistance that is provided shall be not more than 5 years from the end of the fiscal year of the award.

* * * * *

3. Section 305.8 is amended in paragraph (b) by revising entries (6) through (8) in the table to read as follows:

§ 305.8 Supplementary grants.

* * * * *

(b) * * *

Projects	Maximum grant rates (percent)
* * * * *	
(6) Projects located in areas designated under Title IV of the Act in which the median family income is $12,100 or below, or the average unemployment rate for the preceding 24 months is 12 percent or higher	80
(7) Projects located in areas designated under Title IV of the Act in which the median family income is $13,900–$12,101, or the average unemployment rate for the preceding 24 months is 10 percent to 11.9 percent	70
(8) Projects located in areas designated under Title IV of the Act in which the median family income is $15,700–$13,901, or the average unemployment rate for the preceding 24 months is 8 percent to 9.9 percent	60
* * * * *	

* * * * *

§ 305.13 [Redesignated as § 316.11]

4. Section 305.13 is redesignated as § 316.11.

§ 305.14 [Redesignated as § 305.13]

5. Section 305.14 is redesignated as § 305.13.

§ 305.15 [Redesignated as § 316.12]

6. Section 305.15 is redesignated as § 316.12.

7. Sections 305.11 through 305.13 are designated as subpart C and a subpart heading is added to read as follows:

Subpart C—Other Requirements

PART 307—LOCAL TECHNICAL ASSISTANCE, UNIVERSITY CENTER TECHNICAL ASSISTANCE, NATIONAL TECHNICAL ASSISTANCE, RESEARCH AND EVALUATION AND PLANNING

1. The authority citation for part 307 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 307.2 is amended by revising paragraph (c) to read as follows:

§ 307.2 Applicants.

* * * * *

(c) Technical assistance grant funds may not be awarded to private individuals or for profit organizations.

3. Section 307.12 is amended by revising paragraph (c) to read as follows:

§ 307.12 Applicants.

* * * * *

(c) Technical assistance grant funds may not be awarded to private individuals or for profit organizations.

4. Section 307.13 is amended by revising paragraph (b) to read as follows:

§ 307.13 Selection process.

* * * * *

(b) EDA may during the course of the year, identify specific economic development technical assistance activities it wishes to have conducted. Organizations and individuals interested in being invited to respond to Solicitations of Applications (SOAs) to conduct such studies should submit information on their capabilities and experience. See the annual FY NOFA for the appropriate point of contact and address.

4. Section 307.14 is amended by revising paragraph (e) to read as follows:

§ 307.14 Evaluation criteria.

* * * * *

(e) Demonstrates innovative approaches to stimulating economic development in depressed areas.

5. Section 307.16 is amended by revising the introductory text to read as follows:

§ 307.16 Purpose and scope.

The purposes of research and evaluation projects are as follows:

* * * * *

6. Section 307.18 is amended by revising paragraph (b) to read as follows:

§ 307.18 Selection process.

* * * * *

(b) EDA may during the course of the year, identify specific research or program evaluation projects it wishes to have conducted. Organizations and individuals interested in being invited to respond to SOAs to conduct such studies should submit information on their capabilities and experience. See the annual FY NOFA for the appropriate point of contact and address.

7. Section 307.20 is amended by revising paragraph (c) and removing paragraph (e) to read as follows:

§ 307.20 Research topics and structure.

* * * * *

(c) EDA normally prefers research of broad geographical scope.

* * * * *

PART 308—REQUIREMENTS FOR GRANTS UNDER THE TITLE IX ECONOMIC ADJUSTMENT PROGRAM

1. The authority citation for part 308 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 308.5 is amended by revising paragraph (b) to read as follows:

§ 308.5 Selection process.

* * * * *

(b) Applicants for funding of a Revolving Loan Fund (RLF) are generally required to submit a RLF Plan in addition to the adjustment strategy for the area. Guidelines on RLFs are available from the Regional Offices. See the annual FY NOFA for the appropriate point of contact and address.

2. Section 308.7 is amended by revising paragraph (a) to read as follows:

§ 308.7 Award requirements.

(a) Projects are expected to be completed in a timely manner consistent with the nature of the project. Normally, the maximum period for any financial assistance that is provided shall be not more than 5 years from the end of the fiscal year of the award.

* * * * *

PART 315—CERTIFICATION AND ADJUSTMENT ASSISTANCE FOR FIRMS

1. The heading for part 315 is revised to read as set forth above.

2. The authority citation for part 315 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Title II, Chapter 3 of the Trade Act of 1974, as amended, (19 U.S.C. 2341–2355); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

3. Section 315.2 is amended by revising the definitions of *Firm, Partial separation,* and *A significant number or proportion of workers* to read as follows:

§ 315.2 Definitions.

* * * * *

Firm means an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy or receiver under court decree and including fishing, agricultural entities and those which explore, drill or otherwise produce oil or natural gas. When a firm owns or controls other firms as described below, for purposes of receiving benefits under this part, the firm and such other firms may be considered a single firm when they produce like or directly competitive articles or are exerting essential economic control over one or more production facilities. Such other firms include:

(1) Predecessor;

(2) Successor;

(3) Affiliate; or

(4) Subsidiary.

* * * * *

Partial separation means either:

(1) A reduction in an employee's work hours to 80 percent or less of the employee's average weekly hours during the year of such reductions as compared to the preceding year; or

(2) A reduction in the employee's weekly wage to 80 percent or less of his/her average weekly wage during the year of such reduction as compared to the preceding year.

* * * * *

A significant number or proportion of workers means 5 percent of the firm's work force or 50 workers, whichever is less. An individual farmer is considered a significant number or proportion of workers.

* * * * *

4. Section 315.5 is amended by revising paragraph (b)(2) to read as follows:

§ 315.5 Selection process.

* * * * *

(b) * * *

(2) Once firms are certified in accordance with the procedures described in §§ 315.9 and 315.10, an adjustment proposal is usually prepared with technical assistance from a party independent of the firm, usually the TAAC, and submitted to EDA;

* * * * *

5. Section 315.8 is amended by revising paragraph (a) to read as follows:

§ 315.8 Purpose and scope.

(a) Trade Adjustment Assistance Centers (TAACs) are available to assist firms in all fifty states, the District of Columbia and the Commonwealth of Puerto Rico in obtaining adjustment assistance. TAACs provide technical assistance in accordance with this subpart either through their own staffs or by arrangements with outside consultants. Information concerning TAACs serving particular areas can be obtained from EDA. See the annual FY NOFA for the appropriate point of contact and address.

* * * * *

6. Section 315.9 is amended by revising paragraph (a) to read as follows:

§ 315.9 Certification requirements.

* * * * *

(a) A significant number or proportion of workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated.

* * * * *

7. Section 315.10 is amended by revising paragraphs (b)(4) through (b)(6) to read as follows:

§ 315.10 Processing petitions for certification.

* * * * *

(b) * * *

(4) Data on its sales, production and employment for the two most recent years;

(5) Copies of its audited financial statements, or if not available, unaudited financial statements and Federal income tax returns for the two most recent years;

(6) Copies of unemployment insurance reports for the two most recent years.

* * * * *

8. Section 315.11 is amended by revising paragraph (a) to read as follows:

§ 315.11 Hearings, appeals and final determinations.

(a) Any petitioner may appeal to EDA from a denial of certification provided that the appeal is received by EDA in writing by personal delivery or by registered mail within 60 days from the date of notice of denial under § 315.10(g). The appeal shall state the grounds on which the appeal is based, including a concise statement of the supporting facts and law. The decision of EDA on the appeal shall be the final determination within the Department of Commerce. In the absence of an appeal by the petitioner under this paragraph, such final determination shall be determined under § 315.10(g).

* * * * *

PART 316—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

1. The authority citation for part 316 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Title II, Chapter 3 of the Trade Act of 1974, as amended, (42 U.S.C. 2341–2355); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 316.1 is amended by revising paragraphs (b)(1) and (b)(7) to read as follows:

§ 316.1 Environment.

* * * * *

(b) * * *

(1) Requirements under the National Environmental Policy Act of 1969 (NEPA), Public Law 91–190, as amended, 42 U.S.C. 4321 *et seq.* as implemented under 40 CFR parts 1500 *et seq.* including the following:

(i) The implementing regulations of NEPA require EDA to provide public notice of the availability of project specific environmental documents such as environmental impact statements, environmental assessments, findings of no significant impact, records of decision etc., to the affected public as specified in 40 CFR 1506.6(b); and

(ii) Depending on the project location, environmental information concerning specific projects can be obtained from the Environmental Officer in the appropriate Washington, D.C. or regional office listed in the NOFA;

* * * * *

(7) Resource Conservation and Recovery Act of 1976, Public Law 94–580 as amended, 42 U.S.C. 6901 *et seq.*;

* * * * *

3. Section 316.3 is amended by revising paragraph (b) to read as follows:

§ 316.3 Excess capacity.

* * * * *

(b) *Definitions.* For purposes of this section only:

Capacity means the maximum amount of a product or service that can be supplied to the market area over a sustained period by existing enterprises

through the use of present facilities and customary work schedules for the industry.

Demand means the actual quantity of a product or service that users are willing to purchase for use in the market area served by the intended commercial or industrial beneficiary.

Efficient capacity means that part of capacity derived from the use of contemporary structures, machinery and equipment, designs and technologies.

Existing competitive enterprise means an established operation which either produces the same product or delivers the same service to all or a substantial part of the market area.

* * * * *

4. Section 316.13 is added to read as follows:

§ 316.13 Preapproval construction.

Project construction carried out before approval of an application by EDA is carried out at the sole risk of applicant. Such activity could result in rejection of such project application, the disallowance of costs, or other adverse consequences as a result of non-compliance with Federal labor standards, or Federal environmental, historic preservation or related requirements.

PART 317—CIVIL RIGHTS

1. The authority citation for part 317 continues to read as follows:

Authority: Sec. 701, Pub. L. 89–136; 79 Stat. 570 (42 U.S.C. 3211); Department of Commerce Organization Order 10–4, as amended (40 FR 56702, as amended).

2. Section 317.1 is amended by revising paragraph (c)(2) to read as follows:

§ 317.1 Civil rights.

* * * * *

(c) * * *

(2) Employment data in such form and manner as determined by EDA;

* * * * *

Dated: February 26, 1996.

Phillip A. Singerman,

Assistant Secretary for Economic Development.

[FR Doc. 96–4707 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–34–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Correction

AGENCY: Small Business Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, January 31, 1996, (61 FR 3177). The regulations related to examination fees for SBA examination of small business investment companies.

EFFECTIVE DATE: January 31, 1996.

FOR FURTHER INFORMATION CONTACT: Leonard Fagan, Office of Investment, (202) 205–6510.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern policies applicable to examination fees for licensees under the Small Business Investment Company program.

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on January 31, 1996 of the final regulations that were the subject of FR Doc. 96–1351, is corrected as follows:

§ 107.692 [Corrected]

On page 3203, in the first column, in § 107.692, in the third column of the rate table in paragraph (a), entitled ''Percent of assets'', the last entry should be corrected to read ''$100,000,000'' instead of ''$50,000,000''.

Dated: February 26, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4774 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

13 CFR Part 115

Surety Bond Guarantees; Correction

AGENCY: Small Business Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, January 31, 1996, (61 FR 3266). The regulations related to definitions in provisions for all surety bond guarantees.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Barbara Brannan, Office of Surety Guarantees, (202) 205–6540.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern definitions applicable to regulations governing the Surety Bond Guarantee program.

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on January 31, 1996 of the final regulations that were the subject of FR Doc. 96–1347, is corrected as follows:

§ 115.10 [Corrected]

On page 3271, in the third column, in § 115.10, in the definition ''Investment Act'', the citation should be corrected to read ''15 U.S.C. 661 *et seq.*''.

Dated: February 26, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4771 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

13 CFR Part 120

Business Loan Programs; Correction

AGENCY: Small Business Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, January 31, 1996, (61 FR 3226). The regulations related to eligible passive companies, interest rates on smaller loans, the Certified Lenders Program, and the Development Company Loan Program.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: John R. Cox, (202) 205–6490.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern policies applicable to SBA's business (non-disaster) loan programs. Section 120.111 relates to all business loans, § 120.215 relates to 7(a) business loans, § 120.440 relates to special purpose loans, and § 120.839 relates to development company loans.

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on January 31, 1996 of the final regulations

that were the subject of FR Doc. 96–1432, is corrected as follows:

§ 120.111 [Corrected]

1. On page 3240, in the second column, in § 120.111, paragraph (a)(4), the term ''of the Operating Company'' is corrected to read ''and the Operating Company''.

2. On page 3240, in the second and third columns, in § 120.111, paragraph (b), paragraph (b)(2) is removed and paragraphs (b)(3), (b)(4) and (b)(5) are redesignated as paragraphs (b)(2), (b)(3) and (b)(4).

§ 120.215 [Corrected]

3. On page 3243, in the third column, in § 120.215, the term ''variable rate'' in the second sentence is removed.

§ 120.440 [Corrected]

4. On page 3248, in the second column, in § 120.440, the phrase ''attempts to respond within three days of submission to SBA'' is corrected to read ''will provide expedited loan processing or servicing''.

§ 120.839 [Corrected]

5. On page 3260, in the second column, in § 120.839, paragraph (a)(2), in the last line after the semicolon, the word ''and'' is corrected to read ''or''.

Dated: February 26, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4773 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

13 CFR Part 121

Small Business Size Standards; Correction

AGENCY: Small Business Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, January 31, 1996, (61 FR 3280). The regulations related to size standards by standard industrial classification code and qualifications for a small business set-aside or 8(a) contract to provide manufactured products.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: John W. Klein, Chief Counsel for Special Programs, Office of General Counsel, (202) 205–6645.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern policies relating to size standards by standard industrial classification code in the table under § 121.201, and the standard for qualifying as a small business concern for a small business set-aside or 8(a) contract to provide manufactured products under § 121.406.

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on January 31, 1996 of the final regulations that were the subject of FR Doc. 96–1348, is corrected as follows:

§ 121.201 [Corrected]

1. On page 3289, in the third column, under § 121.201, in the last sentence of the text preceding the table, the words ''an industry'' are corrected to read ''a business''.

2. On page 3289, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division A, the heading is corrected to read ''Division A—Agriculture, Forestry and Fishing''.

3. On page 3291, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division D, under the heading ''SIC code and description'', in the entry for 3731, in the 5th line, the phrase ''Including Overhauls and Conversion'' is corrected to read ''Including Overhauls and Conversions''.

4. On page 3291, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division E, the heading is corrected to read ''Division E—Transportation, Communications, Electric, Gas, and Sanitary Services''.

5. On page 3291, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division E, the entry ''Major Group 41'' is corrected to read ''Major Group 41—Local and Suburban Transit and Interurban Highway Passenger Transportation''.

6. On page 3292, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division G, the word ''Except:'' is added above the entry for 5271.

7. On page 3292, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division H, in the entry for 6021–6082, the description is corrected to read ''National and Commercial Banks, Savings Institutions and Credit Unions''.

8. On page 3293, in § 121.201, in the table ''Size Standards by SIC Industry'', in Division I, in the entry for 7218, the second column is corrected to read ''$10.5''.

§ 121.406 [Corrected]

9. On page 3296, in the second column, in § 121.406, paragraph (b)(4), the phrase '' 'class' waivers and 'individual' waivers respectively'' is corrected to read '' 'individual' and 'class' waivers respectively''.

Dated: February 26, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4772 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

13 CFR Part 125

Government Contracting Assistance; Correction

AGENCY: Small Business Administration.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to the final regulations that were published Wednesday, January 31, 1996, (61 FR 3310). The regulations related to subcontracting assistance, applications for a certificate of competency, and SBA's monitoring of contractor performance.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: John W. Klein, Chief Counsel for Special Programs, Office of General Counsel, (202) 205–6645.

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections concern policies relating to subcontracting assistance in § 125.3(b), applications for a certificate of competency under § 125.5(d)(3), and SBA's monitoring of contractor performance under § 125.5(o).

Need for Correction

As published, the final regulations contain errors that may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication on January 31, 1996 of the final regulations that were the subject of FR Doc. 96–1157, is corrected as follows:

§ 125.3 [Corrected]

1. On page 3313, in the first column, in § 125.3, in paragraph (b), the first sentence is corrected by adding after the words ''subcontract offeror'' the words ''on a subcontract for which a small business, small disadvantaged business, and/or women-owned small business received preference'' and by adding after the words ''apparent successful offeror'' the words ''and if the successful offeror was a small business, small

disadvantaged business, or small women-owned business''.

§ 125.5 [Corrected]

2. On page 3314, in the second column, in § 125.5, in paragraph (d)(3), the second sentence is removed.

3. On page 3315, in the third column, in § 125.5, in paragraph (o), the word ''may'' is corrected to read ''will''.

Dated: February 26, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4775 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 10 and 113

[T.D. 96–20]

RIN 1515–AB51

Treatment of Reusable Shipping Devices Arriving From Canada or Mexico

AGENCY: Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to allow certain foreign- or U.S.-manufactured shipping devices arriving from Canada or Mexico to be released, under specified conditions, without entry and payment of duty at the time of arrival and without the devices being serially numbered or marked, if they are always transported on or within either intermodal and similar containers which are themselves vehicles or vehicle appurtenances and accessories. As millions of these devices are used annually in hundreds of millions of transportation moves between the United States and Canada or Mexico, Customs has determined that requiring the importing and exporting communities to individually mark and track these devices places a burden on commerce that may be alleviated.

EFFECTIVE DATE: April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Louis Hryniw, Regulatory Audit, (202–927–1100).

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Chapter 98, Subchapter III, U.S. Note 3, Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202), in order to facilitate the prompt clearance at ports of entry of certain substantial containers and holders, the Secretary of the Treasury is authorized to permit the admission of such devices without entry and to permit any duties thereon to be paid cumulatively from time to time either before or after their importation when conditions exist which permit adequate Customs controls to be maintained.

In this connection, Customs received a petition from, and met with representatives of, the American Automobile Manufacturers Association (AAMA) concerning an amendment to § 10.41b, Customs Regulations (19 CFR 10.41b), intended to ease the burden of serially numbering and marking certain containers or holders arriving from Canada or Mexico, as otherwise generally required thereunder.

After reviewing the AAMA proposal, Customs concluded that the requirements to serially number and mark the substantial holders and containers in question could be eased under the circumstances without risking a loss of control or revenue.

Accordingly, by a document published in the Federal Register on November 1, 1994 (59 FR 54537), Customs proposed to amend § 10.41b, to allow certain foreign-made shipping devices arriving from Canada or Mexico to be released without entry and payment of applicable duty, and without the devices being serially numbered or marked, following the submission and approval of an application by the importer or his agent in this regard.

Such application had to, among other things, describe the subject shipping devices, identify the ports where they would arrive and depart the U.S., and set forth the program for accounting for and reporting the shipping devices to Customs. If the application were approved, the importer or agent would submit to Customs a periodic report for the shipping devices, which could not be less frequent than annual, using his own accounting and recordkeeping procedures to keep track of the devices. Records supporting the periodic reports of the shipping devices would have to be retained for at least 3 years from the date the reports were filed with Customs. Any duty applicable to the devices would have to be tendered cumulatively at the time specified in the approved application. Such tender could not occur more than 90 days following the end of the related reporting period.

In the event the application were to be denied by Customs at the initial stage, a right of appeal was also provided in the proposal.

Since duty under the proposal would be due on all shipping devices acquired within the period covered by the periodic report which the applicant would undertake to file, even though the devices might not have yet been used in transborder traffic, accounting for specific movements of the devices or for diversions to domestic traffic would be superfluous.

Eight comments, including one from the AAMA, were received in response to the notice of proposed rulemaking, six supporting the proposal, with one posing a number of questions regarding the bond conditions applicable under the proposed program. Another comment advocated that the proposal be expanded to allow substantial holders or outer containers formally designated as ''instruments of international traffic'' to be temporarily diverted, from time to time, to domestic traffic without an entry being required therefore. Customs finds that this latter comment would have to be the subject of a separate publication, inasmuch as it clearly falls outside the scope of the published notice.

A discussion of the specific issues that were raised with respect to the proposed program itself, together with Customs response thereto, is set forth below.

Discussion of Comments

Comment: The AAMA in its comment wanted the proposed regulation clarified to state explicitly that an approval by one Customs office of an importer's application for tracking and reporting on its shipping devices would constitute an approval binding on all Customs offices nationwide. Also, it was recommended that the proposed regulation be revised to reflect the Customs Reorganization Plan, which eliminated regional and district offices.

Response: An approval by the Customs office with which the subject application is filed would indeed be binding on all Customs offices nationwide. Section 10.41b(b)(4) is changed by adding an express provision to this effect, and by deleting the provision therefrom indicating that approval would be limited to those Customs offices listed in the application. Likewise, § 10.41b(b)(2)(ii) is changed to make clear that only the intended ports where it is anticipated the devices will be arriving and departing the U.S. need be listed in the application. The applicant should of course endeavor to fully anticipate and list in the application all ports to be involved in the program.

Also, § 10.41b(b) is changed to reflect the Customs Reorganization Plan, by

providing that the application would be filed with a port director, instead of with a district director; and by providing that a right of appeal would lie with the Assistant Commissioner, Office of Field Operations, rather than with a regional commissioner, should the application be denied.

Comment: The AAMA also observed that § 113.66 of the Customs Regulations (19 CFR 113.66) cited in proposed § 10.41b(b)(3) regarding the bond requirements for the importer's recordkeeping and reporting program did not itself make corresponding provision for these requirements; accordingly, the AAMA recommended that § 113.66 be appropriately amended to reiterate the basic requirements set forth for the program in proposed § 10.41b(b), to which the underlying bond would relate.

Furthermore, a surety association posed a number of questions about the bond requirements occasioned under the proposed amendment, viewing the proposal as appearing not to provide sufficient information in this matter. In particular, this commenter wanted the intended coverage under the bond clarified, together with the basis both for assessing liquidated damages under the bond, and for setting the limit of the bond.

Additionally, this commenter compared the 3-year record retention requirement of the proposal to 19 U.S.C. 1508(c) which enabled Customs to require the retention of records relating to import transactions for up to 5 years, and asked in this context which time frame would be applicable. This commenter further wanted to know whether the importer's accounting or auditing records, which would be relied upon by Customs to establish compliance with the proposed program, would be available to the surety as well.

Response: Section 113.66 has been revised to replicate the importer's basic recordkeeping and reporting obligations concerning the subject shipping devices, which would be covered by the bond, as already amply evidenced in the proposed amendment of § 10.41b. Customs believes that the proposed rule in this regard adequately framed the subject matter thereof for effective evaluation and comment. To this end, § 113.66 is revised by redesignating paragraph (c) as paragraph (d), and by making corresponding provision for the bond requirements in a new paragraph (c).

In this latter respect, liquidated damages under the bond would be determined in the manner provided in § 10.41b(b)(3) and in newly redesignated § 113.66(d) (formerly § 113.66(c)). Specifically, if the conditions of the bond were violated, the port director could issue a claim for liquidated damages in an amount equal to the domestic value of the container.

Likewise, the setting of the bond limit will follow the existing guidelines previously issued pursuant to §§ 113.12 and 113.13, Customs Regulations (19 CFR 113.12, 113.13); for activity code 3a bonds (applicable to substantial holders or outer containers under § 10.41b), this means that bond liability would be fixed at $10,000 or such larger amount as deemed necessary to accomplish the purpose for which the bond is given.

By the same token, a surety's access to an importer's business records relating to the reports of its shipping devices would be dependent, once again, on Customs existing practices in this general area, and, in particular, on the Freedom of Information Act, as amended (5 U.S.C. 552), and the Trade Secrets Act, as amended (18 U.S.C. 1905).

The record retention period under 19 U.S.C. 1508(c) is tied to the date of entry. The shipping devices in question, however, will not be subject to entry as such, and Customs is satisfied that a record retention requirement of 3 years from the date the importer's reports of the shipping devices are filed with Customs would be sufficient under the circumstances.

Comment: One commenter observed that the rule should be expanded to apply equally to similar shipping devices of U.S. manufacture, inasmuch as they should not be placed in a less favorable competitive position than the foreign articles.

Response: Customs agrees. Section 10.41b(b) is amended accordingly.

Comment: Two commenters asked that the program not be limited to reusable shipping devices arriving only from Canada or Mexico. It was stated that Part I, Article I, of the GATT (General Agreement on Tariffs and Trade) mandated uniform treatment for like products originating from all contracting parties.

Response: Customs has concluded that a rational basis exists for limiting the amendment, at least initially, to reusable shipping containers and holders arriving from Canada or Mexico, inasmuch as these countries are contiguous to the U.S., and it is believed that the amendment as thus circumscribed can be safely implemented without risking a loss of revenue or a loss of effective Customs control with respect to the shipping devices concerned. Customs thus does not perceive this limitation on the rule as violative of the GATT.

However, Customs finds significant merit in the commenter's request, and will proceed to expeditiously review the prospect of further extending the program.

Conclusion

In view of the foregoing, and following careful consideration of the comments received and further review of the matter, Customs has concluded that the proposed amendment with the modifications discussed above should be adopted.

In addition, in order to apprise the Customs inspector that the shipping devices in question have been relieved from having to be serially numbered or marked as otherwise mandated under § 10.41b, the introductory text of § 10.41b(b) is revised to require that a notation appear on the manifest for the transporting vehicle or vessel to the effect that such shipping devices have been exempted from serial numbering or marking requirements pursuant to an application approved under 19 CFR 10.41b(b). Also, Customs has determined to amend § 10.41b(b)(2)(vi) in order to emphasize that the location of the supporting records in the U.S., which is required to be identified in the importer's application, must be so identified therein by specific name and address; and § 10.41b(b)(6) is changed to provide that if an approved application should later be revoked by the port director, the procedures described in § 10.41b(b)(5) will apply. Furthermore, at the end of the introductory text of § 10.41b(b), a provision is added that pallets and other solid wood shipping devices must be accompanied by an importer document, to the extent that this is required by the Animal and Plant Health Inspection Service, Department of Agriculture, regarding plant pest risk.

Regulatory Flexibility Act and Executive Order 12866

For the reasons set forth in the preamble, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is certified that the amendments will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis requirements of 5 U.S.C. 603 and 604. Nor do the amendments result in a ''significant regulatory action'' under E.O. 12866.

Drafting Information: The principal author of this document was Russell Berger, Regulations Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects

19 CFR Part 10

Alterations, Bonds, Customs duties and inspection, Exports, Imports, Preference programs, Repairs, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 113

Air carriers, Customs duties and inspection, Exports, Freight, Imports, Surety bonds, Vessels.

Amendments to the Regulations

Parts 10 and 113, Customs Regulations (19 CFR parts 10 and 113), are amended as set forth below.

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. The general authority citation for part 10 continues to read as follows, and the specific sectional authority for part 10 is amended by adding specific sectional authority for § 10.41b, in appropriate numerical order thereunder, to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States (HTSUS)), 1321, 1481, 1484, 1498, 1508, 1623, 1624;

* * * * *

Section 10.41b also issued under 19 U.S.C. 1202 (Chapter 98, Subchapter III, U.S. Note 3, Harmonized Tariff Schedule of the U.S. (HTSUS));

* * * * *

2. Section 10.41b is amended by redesignating paragraphs (b), (c), (d), (e), (f), (g) and (h) as (c), (d), (e), (f), (g), (h) and (i), respectively, and by adding a new paragraph (b) to read as follows:

§ 10.41b Clearance of serially numbered substantial holders or outer containers.

* * * * *

(b) Subject to the approval of a port director pursuant to the procedures described in this paragraph, certain foreign- or U.S.-made shipping devices arriving from Canada or Mexico, 12 including racks, holders, pallets, totes, boxes and cans, need not be serially numbered or marked if they are always transported on or within either intermodal and similar containers or containers which are themselves vehicles or vehicle appurtenances and accessories such as twenty and forty foot containers of general use and ''igloo'' air freight containers. The following or similar notation shall appear on the vehicle or vessel manifest in relation to such shipping devices which are exempt from serial numbering or marking requirements pursuant to this paragraph: ''The shipping devices transported herein, which are not serially numbered or marked, have been exempted from such requirement pursuant to an application approved under 19 CFR 10.41b(b).'' Also, pallets and other solid wood shipping devices must be accompanied by an importer document, to the extent that this is required by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, attesting to the admissibility of such devices as regards plant pest risk, as provided for in 7 CFR 319.40–3.

(1) An importer or his agent, regardless of whether the importer is the owner of the foreign- or U.S.-manufactured shipping devices, may apply to a port director of Customs at one of the importer's chiefly utilized Customs ports or the port within which the importer's or agent's recordkeeping center is located for permission to have such shipping devices arriving from Canada or Mexico released without entry and payment of duty at the time of arrival and without the devices being serially 13 numbered or marked. Application may be filed in only one port. Although no particular format is specified for the application, it must contain the information enumerated in paragraph (b)(2) of this section. Any duty which may be due on these shipping devices shall be tendered and paid cumulatively at the time specified in an approved application, which may be either before or after the arrival of the shipping devices in the U.S. (such as, at the time a contract, purchase order or lease agreement is issued).

(2) The application shall:

(i) Describe the types of shipping devices covered, their classification under the Harmonized Tariff Schedule of the U.S. (HTSUS), their countries of origin, and whether and to whom required duty was paid for them or when it will be paid for them, including duties for repair and modifications to such shipping devices while outside the U.S.;

(ii) Identify the intended ports where it is anticipated the shipping devices will be arriving and departing the U.S., as well as the particular movements and conveyances in which they are intended to be utilized;

(iii) Describe the applicant's proposed program for accounting for and reporting these shipping devices;

(iv) Identify the reporting period (which shall in no event be less frequent than annual), as well as the payment period within which applicable duty and fees must be tendered 14 (which shall in no event exceed 90 days following the close of the related reporting period);

(v) Describe the type of inventory control and recordkeeping, including the specific records, to be maintained to support the reports of the shipping devices; and

(vi) Provide the location in the United States, including the name and address, where the records supporting the reports will be retained by law and will be made available for inspection and audit upon reasonable notice. (The records supporting the reports of the shipping devices must be kept for a period of at least 3 years from the date such reports are filed with the port director.)

(3) The application shall be filed along with a continuous bond containing the conditions set forth in § 113.66(c) of this chapter. If the application is approved by the port director and the conditions set forth in the application or of the bond are violated, the port director may issue a claim for liquidated damages equal to the domestic value of the container. If the domestic value exceeds the amount of the bond, the claim for liquidated damages will be equal to the amount of the bond.

(4) The port director receiving the application shall evaluate the program proposed to account for, report and maintain records of the shipping devices. The port director may suggest amendments to the applicant's proposal. The port director shall notify the applicant in writing of his decision on the 15 application within 90 days of its receipt, unless this period is extended for good cause and the applicant is so informed in writing. Approval of the application by the port director with whom it is filed shall be binding on all Customs ports nationwide.

(5) If the decision is to deny the application, in whole or in part, the port director shall specify the reason for the denial in a written reply, and inform the applicant that such denial may be appealed to the Assistant Commissioner, Office of Field Operations, Customs Headquarters, within 21 days of its date. The Assistant Commissioner's decision shall be issued, in writing, within 30 days of the receipt of the appeal, and shall constitute the final Customs determination concerning the application.

(6) If the application is approved, an importer may later apply to amend his application to add or delete particular types of shipping devices listed in the application in which the procedures set forth in the application may be utilized. If a requested amendment to an approved application should be denied, or if an approved application should be

revoked, in whole or in part, by the port director, the procedures described in paragraph (b)(5) of this section shall apply.

(7) Application for and approval of a reporting program shall not limit or restrict the use of other alternative 16 means for obtaining the release of holders, containers and shipping devices.

* * * * *

PART 113—CUSTOMS BONDS

1. The general authority citation for part 113 continues to read as follows:

Authority: 19 U.S.C. 66, 1623, 1624.

* * * * *

2. Section 113.66 is amended by redesignating paragraph (c) as (d) and by adding a new paragraph (c) to read as follows:

§ 113.66 Control of containers and instruments of international traffic bond conditions.

* * * * *

(c) *Agreement to comply with application approved under 19 CFR 10.41b(b).* If the principal establishes a program for the cross-border movements of shipping devices based upon an application approved as provided in § 10.41b(b) of this chapter (19 CFR 10.41b(b)), the principal agrees:

(1) To timely file complete and accurate reports on the shipping devices, and to pay any applicable duty due on the devices and repairs made to such devices, as provided in the approved application;

(2) To retain complete and accurate records regarding the shipping devices, and to make such records available to Customs for inspection and audit upon reasonable notice, as also required in the approved application; and

(3) To otherwise comply with every other condition of the approved application.

Approved: January 31, 1996.

George J. Weise,

Commissioner of Customs.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–4797 Filed 2–29–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 95C–0091]

Listing of Color Additives Exempt From Certification; Fruit Juice Color Additive and Vegetable Juice Color Additive; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of November 13, 1995, of the final rule published in the Federal Register of October 10, 1995 (60 FR 52628), that amended the color additive regulations to provide for the safe use in food of dried fruit juice color additive, dried vegetable juice color additive, and vegetable juice color additive prepared by water infusion of the dried vegetable.

DATES: Effective date confirmed: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Aydin Örstan, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3076.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 10, 1995 (60 FR 52628), FDA amended the color additive regulations in § 73.250 *Fruit juice* (21 CFR 73.250) to provide for the safe use of dried fruit juice color additive and in § 73.260 *Vegetable juice* (21 CFR 73.260) to provide for the safe use of dried vegetable juice color additive and vegetable juice color additive prepared by water infusion of the dried vegetable.

FDA gave interested persons until November 9, 1995, to file objections or requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the final rule published in the Federal Register of October 10, 1995, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 721 (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361, 362, 371, 379e)) and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, notice is given that no objections or requests for a hearing were filed in response to the October 10, 1995, final rule. Accordingly, the amendments promulgated thereby became effective November 13, 1995.

Dated: February 12, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4717 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

21 CFR Part 180

[Docket No. 94F–0152]

Food Additives Permitted in Food on an Interim Basis or in Contact With Food Pending Additional Study; Mannitol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to permit the manufacture of mannitol by fermentation of sugars or sugar alcohols such as glucose, sucrose, fructose, or sorbitol by the action of the yeast *Zygosaccharomyces rouxii.* This action is in response to a petition filed by Roquette America, Inc.

DATES: Effective March 1, 1996; written objections and requests for a hearing by April 1, 1996.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFS–207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3107.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of December 13, 1994 (59 FR 64207), FDA announced that a food additive petition (FAP 4A4412) had been filed by Roquette America, Inc., c/o Keller and Heckman, 1001 G St. NW., Washington, DC 20001. The petition proposed to amend the food additive regulations in § 180.25 *Mannitol* (21 CFR 180.25) to permit the manufacture of mannitol by fermentation of sugars or sugar alcohols such as glucose, sucrose, fructose, or sorbitol by the action of the yeast *Z. rouxii.*

As discussed in the notice of filing (59 FR 64207), in 1973 the agency proposed to affirm mannitol as generally recognized as safe (GRAS) based on the findings by the Select Committee on GRAS Substances from the Life Sciences Research Office of the Federation of American Societies for Experimental Biology (38 FR 20046, July 26, 1973). In response to the proposal, the agency received comments, including information raising questions about the safety of mannitol. Therefore, the agency did not affirm the GRAS status of mannitol but instead established an interim food additive regulation for mannitol, pending additional study of the ingredient (39 FR 34178, September 23, 1974). At the time the interim regulation was established, the agency concluded that there would be no increased risk to the public health to continue existing uses and levels of use of mannitol while additional studies were carried out.

The interim regulation on mannitol specifies manufacturing procedures that do not include the fermentation process for manufacturing mannitol proposed in the petition. The petitioner provided evidence that mannitol produced using the proposed process is equivalent to mannitol produced as described in § 180.25. The petition, however, proposed no change in the allowed uses of mannitol. The agency concludes from its review that no change in consumer exposure to mannitol will result from the promulgation of an amendment to § 180.25 as proposed in the petition (Ref. 1).

FDA has evaluated the data in the petition and other relevant material. Based upon its review, the agency concludes that the use of the proposed manufacturing method for mannitol by fermentation of sugars or sugar alcohols such as glucose, sucrose, fructose, or sorbitol by the action of the yeast *Z. rouxii* is appropriate and that mannitol produced by this process is equivalent to mannitol produced as described in current § 180.25. Therefore, FDA concludes that § 180.25 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before April 1, 1996, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from S. E. Carberry, Chemistry Review Branch, Center for Food Safety and Applied Nutrition (CFSAN) to R. M. Angeles, Novel Ingredients Branch, CFSAN, May 23, 1994.

List of Subjects in 21 CFR Part 180

Food additives.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director, Center for Food Safety and Applied Nutrition, 21 CFR part 180 is amended as follows:

PART 180—FOOD ADDITIVES PERMITTED IN FOOD ON AN INTERIM BASIS OR IN CONTACT WITH FOOD PENDING ADDITIONAL STUDY

1. The authority citation for 21 CFR part 180 continues to read as follows:

Authority: Secs. 201, 402, 403, 409, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 343, 348, 371); sec. 301 of the Public Health Service Act (42 U.S.C. 241).

2. Section 180.25 is amended by revising paragraph (a) to read as follows:

§ 180.25 Mannitol.

(a) Mannitol is the chemical 1,2,3,4,5,6,-hexanehexol ($C_6H_{14}O_6$) a hexahydric alcohol, differing from sorbitol principally by having a different optical rotation. Mannitol is produced by one of the following processes:

(1) The electrolytic reduction or transition metal catalytic hydrogenation of sugar solutions containing glucose or fructose.

(2) The fermentation of sugars or sugar alcohols such as glucose, sucrose, fructose, or sorbitol using the yeast *Zygosaccharomyces rouxii*.

* * * * *

Dated: February 14, 1996.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4716 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 20, and 25

[TD 8630]

RIN 1545–AR56

Actuarial Tables Exceptions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains a correction to final regulations [TD 8630] which were published in the Federal Register for Wednesday, December 13, 1995 (60 FR 63913). The final regulations relate to income, estate, and gift tax regulations regarding exceptions to the use of valuation tables.

EFFECTIVE DATE: December 13, 1995.

FOR FURTHER INFORMATION CONTACT: William L. Blodgett, (202) 622–3090 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of this correction are under sections 170, 642, 664, 2031, 2512 and 7520 of the Internal Revenue Code.

Need for Correction

As published, TD 8630 contains a typographical error that is in need of clarification.

Correction of Publication

Accordingly, the publication of the final regulations which is the subject of FR Doc. 95–30272, is corrected as follows:

On page 63913, column 1, in the preamble in the caption **EFFECTIVE DATE**, line 2, the language ''effective December 13, 1995.'' is corrected to read ''effective December 13, 1995, and applicable for transfers after December 13, 1995''.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 96–4179 Filed 2–29–96; 8:45 am]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 71–8–6938a; FRL–5423–9]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the California State Implementation Plan (SIP). The revisions concern rules from the following districts: the Kern County Air Pollution Control District (KCAPCD) and the Sacramento Metropolitan Air Management Control District (SMAQMD). This approval action will incorporate two rules into the federally approved SIP and remove one rule from the SIP. The two rules control oxides of nitrogen (NO_x) emissions from the operations of stationary gas turbines and the rule to be removed controls NO_x emissions from steam generators used in the oil production operations.

The intended effect of approving these rules is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In addition, the final action on these rules serves as a final determination that the findings of nonsubmittal for these rules have been corrected and that on the effective date of this action, any Federal Implementation Plan (FIP) clock is stopped. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

DATES: This action is effective on April 30, 1996 unless adverse or critical comments are received by April 1, 1996. If the effective date is delayed, a timely notice will be published in the Federal Register.

ADDRESSES: Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street SW., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Kern County Air Pollution Control District, 2700 ''M'' Street, Suite 290, Bakersfield, CA 93301.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION:

Applicability

The rules being approved into the California SIP include: KCAPCD, Rule 425, Cogeneration Gas Turbine Engines (Oxides of Nitrogen), and SMAQMD, Rule 413, Stationary Gas Turbines. The rule being removed from the SIP is KCAPCD Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery—Western Kern County Fields. The KCAPCD rules were submitted by the California Air Resources Board (CARB) to EPA on November 18, 1993 and the SMAQMD rule was submitted on June 16, 1995.

Background

On November 15, 1990, the Clean Air Act Amendments of 1990 (CAA or the Act) were enacted. Public Law 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q. The air quality planning requirements for the reduction of NO_x emissions through reasonably available control technology (RACT) are set out in section 182(f) of the CAA. On November 25, 1992, EPA published a Notice of Proposed Rulemaking (NPRM) entitled ''State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule,'' (the NO_x Supplement) which describes and provides guidance on the requirements of section 182(f). The NO_x Supplement should be referred to for further information on the NO_x requirements and is incorporated into this proposal by reference.

Section 182(f) of the Clean Air Act requires States to apply the same requirements to major stationary sources of NO_x (''major'' as defined in section 302 and section 182(c), (d), and (e)) as are applied to major stationary sources of volatile organic compounds (VOCs), in moderate or above ozone nonattainment areas. The Kern County area is classified as serious; the Sacramento Metro Area is classified as severe;[1] therefore these areas were subject to the RACT requirements of section 182(b)(2), cited below.

Section 182(b)(2) requires submittal of RACT rules for major stationary sources of VOC emissions (not covered by a pre-enactment control techniques guidelines (CTG) document or a post-enactment CTG document) by November 15, 1992. There were no NO_x CTGs issued before enactment and EPA has not issued a CTG document for any NO_x sources since enactment of the CAA. The RACT rules covering NO_x sources and submitted as SIP revisions, are expected to require final installation of the actual NO_x controls as expeditiously as practicable, but not later than May 31, 1995.

The State of California submitted many revised RACT rules for incorporation into its SIP on November 18, 1993 and June 16, 1995, including the rules being acted on in this

[1] Kern County retained its designation of nonattainment and was classified by operation of law pursuant to sections 107(d) and 181(a) upon the date of enactment of the CAA. See 55 FR 56694 (November 6, 1991). The Sacramento Metro Area was reclassified from serious to severe on June 1, 1995. See 60 FR 20237 (April 25, 1995).

document. This document addresses EPA's direct-final action for KCAPCD Rule 425, Cogeneration Gas Turbine Engines (Oxides of Nitrogen), and SMAQMD Rule 413, Stationary Gas Turbines. KCAPCD adopted Rule 425 on August 16, 1993 and SMAQMD adopted Rule 413 on April 6, 1995. These submitted rules were found to be complete on December 27, 1993 and June 30, 1995 pursuant to EPA's completeness criteria that are set forth in 40 CFR part 51, appendix V[2] and are being finalized for approval into the SIP. This document also addresses the State of California's request that Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery—Western Kern County Fields, be removed from the SIP.

Rules 425 and 413 control the emissions of NO_X from stationary gas turbine operations; rescinded Rule 425 controls emissions from steam generators used in the oil production operations. NO_X emissions contribute to the production of ground level ozone and smog. The rules were adopted as part of KCAPCD's and SMAQMD's efforts to achieve the National Ambient Air Quality Standards (NAAQS) for ozone and in response to the CAA requirements cited above. The following is EPA's evaluation and final action for these rules.

EPA Evaluation and Action

In determining the approvability of a NO_X rule, EPA must evaluate the rule for consistency with the requirements of the CAA and EPA regulations, as found in section 110, and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption and Submittal of Implementation Plans). EPA's interpretation of these requirements, which forms the basis for this action, appears in the NO_X Supplement (57 FR 55620) and various other EPA policy guidance documents.[3] Among these provisions is the requirement that a NO_X rule must, at a minimum, provide for the implementation of RACT for stationary sources of NO_X emissions.

For the purposes of assisting state and local agencies in developing NO_X RACT rules, EPA prepared the NO_X Supplement to the General Preamble, cited above. In the NO_X Supplement, EPA provides guidance on how RACT will be determined for stationary sources of NO_X emissions. While most of the guidance issued by EPA on what constitutes RACT for stationary sources has been directed towards application for VOC sources, much of the guidance is also applicable to RACT for stationary sources of NO_X (see section 4.5 of the NO_X Supplement). In addition, pursuant to section 183(c), EPA has issued alternative control technique documents (ACTs), that identify alternative controls for all categories of stationary sources of NO_X. The ACT documents provide information on control technology for stationary sources that emit or have the potential to emit 25 tons per year or more of NO_X. However, the ACTs do not establish a presumptive norm for what is considered RACT for stationary sources of NO_X. In general, the guidance documents cited above, as well as other relevant and applicable guidance documents, have been set forth to ensure that submitted NO_X RACT rules meet Federal RACT requirements and are fully enforceable and strengthen or maintain the SIP.

KCAPCD's submitted Rule 425, Cogeneration Gas Turbine Engines (Oxides of Nitrogen), is a new rule that will control NO_X emissions from cogeneration gas turbines with rating equal to or greater than 10 megawatts (MW) used in producing steam and generate electric power for use in industrial and power utility operations. The rule limits NO_X emissions from units using selective catalytic reduction (SCR) to 9 parts per million by volume (ppmv) when operated on gaseous fuel and to 25 ppmv when operated on oil fuel. For the same size units (i.e., Westinghouse 251B10) using dry low-NO_X combustors, the rule limits NO_X emissions to 20 ppmv for units operating on gaseous fuel and 42 ppmv for units operating on oil fuel. The limits are corrected to 15 percent oxygen on dry basis.

SMAQMD's submitted Rule 413, Stationary Gas Turbines, is a new rule that will control NO_X emissions from cogeneration units with ratings equal to or greater than 0.3 MW output, or 3 million BTU/hr (MMBTU/hr) input used to generate electricity, supply steam for industrial processes and provide heating supply for buildings. The rule specifies emission limits of 42 ppmv (gas fired) and 65 ppmv (oil fired) for units rated less than or equal to 2.9 MW and operating at less than 877 hours per year. For all other units operating at greater than or equal to 877 hours per year, the rule specifies the following emission limits: (i) 25 ppmv (gas fired) and 65 ppmv (oil fired) for units rated less than 10 MW; (ii) 15 ppmv (gas fired) and 42 ppmv (oil fired) for units rated greater than 10 MW with no SCR; and (iii) 9 ppmv (gas fired) and 25 ppmv (oil fired) for units rated greater than 10 MW with SCR.

KCAPCD's Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery—Western Kern County Fields, was submitted to be removed from the SIP. This rule was adopted to control NO_X emissions from steam generators used in the oil production at the western portion of Kern County. KCAPCD, at that time, had jurisdiction over the San Joaquin Valley Air Basin and the Southeast Desert Air Basin. However, on March 20, 1991, the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) was formed. This newly formed unified district took over the responsibility and authority over the San Joaquin Valley Air Basin which includes all of the eight counties except the Southeast Desert Air Basin portion of Kern County. As a result of the above delineation of geographical boundaries, KCAPCD (Southeast Desert portion) ceased its authority over the oil production operation at the western portion of Kern County. Consequently, KCAPCD is rescinding Rule 425 because the sources subject to this rule are no longer under its authority. The removal of Rule 425 from the SIP is consistent with EPA's policy requirements and removes an extraneous rule that serves no purpose.

The California Air Resources Board (CARB) has issued a reasonably available control technology/best available retrofit control technology (RACT/BARCT) determination for stationary source gas turbines with a rating of greater than or equal to 0.3 megawatts. The RACT limits are 42 ppmv for gas fired units and 65 ppmv for oil fired units. BARCT limits for units with SCR are 9 ppmv and 25 ppmv for gas fired units and oil fired units respectively. For units without SCR, the BARCT limits are 15 ppmv (gas fired units) and 42 ppmv (oil fired units). The limits in Rule 425 and Rule 413 exceed California and Federal RACT limits by a significant margin.

In evaluating the rules, EPA must determine whether the requirement for RACT implementation by May 31, 1995 is met. Under certain circumstances, the determination of what constitutes RACT could include consideration of advanced control technologies, i.e., California's requirement for BARCT. In this case the CAA's May 1995 date for RACT implementation may be satisfied

[2] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[3] Among other things, the pre-amendment guidance consists of those portions of the proposed post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987); ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice'' (Blue Book) (notice of availability was published in the Federal Register on May 25, 1988).

in BARCT rules that establish ''interim RACT'' by May 1995, and require emission limitations based on advanced control technologies such as BARCT be met after May 1995. Rule 425 and Rule 413 require final compliance with BARCT limits by January 1997 and May 1997 respectively. The rules also require that interim measures (submission of compliance plans, and applying for authority to construct) be met by May 31, 1995 to ensure progress toward the final compliance. A more detailed discussion of the sources controlled, the controls required, and the justification for why these controls represent RACT can be found in the Technical Support Documents (TSDs) for Rule 425 and Rule 413, dated November 28, 1995.

EPA has evaluated the submitted rules and has determined that they are consistent with the CAA, EPA regulations, and EPA policy. Therefore, KCAPCD's Rule 425, Cogeneration Gas Turbine Engines (Oxide of Nitrogen), and SMAQMD's Rule 413, Stationary Gas Turbines are being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a), section 182(b)(2), section 182(f) and the NO_X Supplement to the General Preamble. Furthermore, EPA is removing applicable Rule 425 consistent with the requirements of sections 110 (l) and 193.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

EPA is publishing this document without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this Federal Register publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective April 30, 1996, unless, by April 1, 1996, adverse or critical comments are received.

If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective April 30, 1996.

Regulatory Process

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, I certify that it does not have a significant impact on affected small entities. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Unfunded Mandates

Under Sections 202, 203, and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

Through submission of this state implementation plan or plan revision, the State and any affected local or tribal governments have elected to adopt the program provided for under Part D of the Clean Air Act. These rules may bind State, local and tribal governments to perform certain actions and also require the private sector to perform certain duties. To the extent that the rules being approved by this action will impose no new requirements; such sources are already subject to these regulations under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. EPA has also determined that this final action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

This action has been classified as a Table 3 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995 memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order 12866 review.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compound.

Dated: January 30, 1996.

Felicia Marcus,

Regional Administrator.

Subpart F of part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(194)(i)(B) (*2*) and (*3*) and (222)(i)(C)(*2*) to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(194)* * *

(i) * * *

(B) * * *

(*2*) Rule 425, adopted on August 16, 1993.

(*3*) Previously submitted to EPA on June 28, 1982 and approved in the Federal Register on May 3, 1984 and now removed without replacement, Rule 425.

* * * * *

(222) * * *

(i) * * *

(C) * * *

(*2*) Rule 413, adopted on April 6, 1995.

* * * * *

[FR Doc. 96–4571 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[MI44–01–7147a; FRL–5408–5]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA is approving the State of Michigan's revision to its State Implementation Plan (SIP) for the Wayne County particulate matter (PM) nonattainment area. The State of Michigan submitted this revision, dated July 18, 1995 to satisfy the contingency measures requirements of section 172(c)(9) of the Clean Air Act (Act). Section 172(c)(9) of the Act requires that States with initial moderate PM nonattainment areas submit contingency measures consisting of specific measures that are not part of the area's control strategy which must take effect without further action by the State or USEPA, upon a determination by USEPA that the area has failed to achieve Reasonable Further Progress (RFP) or attain the PM National Ambient Air Quality Standards (NAAQS) by the applicable statutory deadline.

DATES: This ''direct final'' is effective April 30, 1996, unless USEPA receives adverse or critical comments by April 1, 1996. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the documents relevant to this action are available for inspection during normal business hours at the following location: (It is recommended that you telephone Christos Panos at (312) 353–8328, before visiting the Region 5 office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Environmental Engineer, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), United States Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590, (312) 353–8328.

SUPPLEMENTARY INFORMATION:

Background

A portion of Wayne County, Michigan, was designated as a moderate PM nonattainment area upon enactment of the 1990 Amendments to the Act (November 15, 1990). 56 FR 56694, 56705–706, 56779 (November 6, 1991). Among other things, the amended Act made significant changes to the PM air quality planning requirements for certain areas. The USEPA has issued detailed guidance that describes USEPA's preliminary interpretations regarding moderate PM nonattainment area SIP requirements; 57 FR 13498 (April 16, 1992) and 57 FR 18070 (April 28, 1992). States containing initial moderate PM nonattainment areas were required to submit a SIP by November 15, 1991, which implemented reasonably available control measures by December 10, 1993, and demonstrated attainment of the PM NAAQS by December 31, 1994. On January 17, 1995 (60 FR 3346), USEPA approved the Wayne County PM nonattainment area SIP originally submitted by the Michigan Department of Natural Resources (MDNR) on June 11, 1993 and revised on October 14, 1994.

As provided in section 172(c)(9) of the Act, States with initial moderate PM nonattainment areas were also required to submit contingency measures by November 15, 1993. See generally 57 FR 13543–13544. These measures should consist of other available measures that are not part of the area's control strategy which must take effect without further action by the State or USEPA, upon a determination by USEPA that the area has failed to achieve RFP or attain the PM NAAQS by the applicable statutory deadline. On January 21, 1994, USEPA sent a letter to the State of Michigan notifying them that a finding of failure to submit had been made, thus starting the process to impose sanctions and promulgate a Federal Implementation Plan (FIP).

Completeness Determination

States are required to observe certain procedural requirements in developing implementation plans and plan revisions for submission to USEPA. The Act provides that each implementation plan submitted by a State must be adopted after reasonable notice and public hearing. The USEPA also must determine whether a submittal is complete and therefore warrants further USEPA review and action. The USEPA's completeness criteria for SIP submittals are set out at 40 CFR Part 51, Appendix V (1991).

The State of Michigan held a public hearing on March 2, 1995 to receive public comment on the contingency measures plan for the Wayne County PM nonattainment area. Following the public hearing, the plan was adopted by the State, signed by the Governor's designee on July 13, 1995 and submitted to USEPA as a proposed revision to the SIP.

The SIP revision was reviewed by USEPA to determine completeness and was found to be complete. The USEPA sent a letter dated July 17, 1995 to the Director, MDNR, indicating the completeness of the submittal and the next steps to be taken in the review process. This finding of completeness stopped the sanctions process which was started on January 21, 1994.

Review of Contingency Measures Rule

The Michigan SIP submittal consists of the new State Administrative Rule 374 (R 336.1374), effective July 26, 1995, which was designed to satisfy the contingency measures requirement of section 172(c)(9) of the Act. The SIP provides that the measures contained in the rule must take effect without further action by the State or USEPA should USEPA determine that the Wayne County nonattainment area has failed to achieve RFP or to attain the PM standard. Within 60 days of notification by MDNR or USEPA of a violation of the PM NAAQS, companies located within a one mile radius centered around the monitor which recorded the violation must be in compliance with the opacity limit, implement the fugitive dust control strategies, or commence the schedule to implement the process or combustion source control strategies described in the rule. The October 24, 1995 Technical Support Document contains a more detailed explanation of the rule's requirements.

Final Action

In this action, USEPA is approving the SIP revision submitted to USEPA by the State of Michigan on July 13, 1995 for the Wayne County PM nonattainment area. Specifically, USEPA is approving State Administrative Rule 374 (R 336.1374), effective July 26, 1995, as intended to satisfy the contingency measures requirement specified in section 172(c)(9) of the Act.

Miscellaneous

Comment and Approval Procedure

The USEPA is publishing this action without prior proposal because USEPA views this action as a noncontroversial revision and anticipates no adverse comments. However, USEPA is publishing a separate document in this Federal Register publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments

are filed. The ''direct final'' approval shall be effective on April 30, 1996, unless USEPA receives adverse or critical comments by April 1, 1996.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw this approval before its effective date, and publish a subsequent Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent document.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises the public that this action will be effective on April 30, 1996.

Applicability to Future SIP Decisions

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. Each request for a revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Executive Order 12866

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by a July 10, 1995, memorandum from Mary Nichols, Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Regulatory Flexibility

Under the Regulatory Flexibility Act, 5 U.S.C. Section 600 *et seq.*, USEPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities (5 U.S.C. Sections 603 and 604). Alternatively, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000. This approval does not create any new requirements.

Therefore, I certify that this action does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of the regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 256–66 (1976).

Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, USEPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, USEPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires USEPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

The USEPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector.

This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or the private sector, result from this action.

Petitions for Judicial Review

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit April 30, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such a rule. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the SIP for the State of Michigan was approved by the Director of the Federal Register on July 1, 1982.

Dated: December 14, 1995.

Valdas V. Adamkus,

Regional Administrator.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart X—Michigan

2. 52.1170 is amended by adding paragraph (c)(104) to read as follows:

* * * * *

(c) * * *

(104) On July 13, 1995, the Michigan Department of Natural Resources (MDNR) submitted a contingency measures plan for the Wayne County particulate matter nonattainment area.

(i) Incorporation by reference.

(A) State of Michigan Administrative Rule 374 (R 336.1374), effective July 26, 1995.

[FR Doc. 96–4848 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5431–3]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of the Arkansas City Dump Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Arkansas City Dump Site in Arkansas City, Kansas from the Superfund National Priorities List (NPL). The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERLCA), as amended. In consultation with the state of Kansas, EPA has determined that the necessary Fund-financed response actions under CERCLA have been implemented. The EPA has concluded that this remedial action is protective of human health, and the environment. The State of Kansas has concurred on the deletion of this site from the NPL.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: David V. Crawford, Remedial Project Manager, Superfund Division,

Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, (913) 551–7702.

SUPPLEMENTARY INFORMATION: Under section 105(a)(8)(B) of CERCLA, EPA established the NPL as a priority list among known or threatened releases of hazardous substances, pollutants and contaminants throughout the United States, for potential response action. Sites on the NPL may be the subject of Hazardous Substance Superfund (Fund) financed, or responsible party, remedial actions. Sites are deleted from the NPL when all appropriate response actions have been implemented or investigation of the site has shown that the site poses no significant threat. Any sites deleted from the NPL remain eligible for future response actions if conditions at the site are later found to warrant such action. Section 300.425(e)(3) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) provides that whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts. Specific information about this site follows.

Arkansas City Dump

The Arkansas City Dump site is located in Arkansas City, Kansas. The EPA published a Notice of Intent to Delete the Arkansas City Dump site from the NPL on September 20, 1995. The EPA also published a notification in the principal local newspaper on September 14, 1995. The comment period ended on October 25, 1995. The EPA received no comments. Entries in the Deletion Docket may be reviewed at the EPA Region VII office in Kansas City, Kansas, and at the Public Library, 125 East Fifth Avenue, Arkansas City, Kansas. It is EPA's policy to conduct a Five-Year Review at sites in which hazardous substances remain above levels which allow for unlimited use and unrestricted exposure. The EPA expects to complete five-year reviews of the remedial action at the Arkansas City Dump site even though this site has been deleted from the NPL.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Reporting and recordkeeping requirements, Superfund, Water pollution control.

Dated: February 6, 1996.

Dennis Grams,

Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 191 Comp., p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp., p. 193.

Appendix B—[Amended]

2. Table 1 of appendix B to part 300 is amended by removing the Site ''Arkansas City Dump Site, Arkansas City, Kansas''.

[FR Doc. 96–4526 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7635]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The dates listed in the third column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: Post Office Box 6464, Rockville, MD 20849, (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street SW., room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4012(a), requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard areas shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Acting Associate Director certifies that this rule will not have a significant economic impact on a substantial number of small entities in accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because the rule creates no additional burden, but lists those communities eligible for the sale of flood insurance.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date
New Eligibles—Emergency Program			
Georgia: Fort Gaines, city of, Clay County	130550	December 5, 1995.	
Oklahoma: Davidson, town of, Tillman County	400204	December 8, 1995.	
Washington: Yacolt, town of, Clark County	530269	December 14, 1995	July 2, 1976.
Montana: Sanders County, unincorporated areas	300072	December 20, 1995	March 13, 1979.
North Dakota: Pingree, city of, Stutsman County	380126	January 19, 1996.	
Kentucky: Rockcastle County, unincorporated areas	210331	January 26, 1996.	
Michigan: Wells, township of, Delta County	260388	.....do.	
Ohio: Washingtonville, village of, Columbiana and Mahoning Counties.	390087	.....do	June 4, 1976.
Tennessee: Louisville, town of, Blount County	470405	.....do.	
Massachusetts: Ashby, town of, Middlesex County	250178	January 31, 1996	April 29, 1977.
New Eligibles—Regular Program			
New York: West Hampton Dunes, village of, Suffolk County [1].	361649	December 8, 1995.	
Wisconsin: Sun Prairie, city of, Dane County	550573	December 11, 1995	January 17, 1991.
Texas: Josephine, city of, Collin and Hunt Counties	480756	December 15, 1995	January 19, 1996.
Reinstatements			
Indiana: Harrison County, unincorporated areas	180085	March 19, 1975, Emerg.; November 1, 1995, Reg.; November 1, 1995, Susp.; December 4, 1995, Rein.	November 1, 1995.
New Jersey:			
Leonia, borough of, Bergen County	340045	August 25, 1975, Emerg.; July 5, 1982, Reg.; September 20, 1995, Susp.; December 4, 1995, Rein.	September 20, 1995.
North Arlington, borough of, Bergen County	340055	July 3, 1975, Emerg.; April 3, 1978, Reg.; September 20, 1995, Susp.; December 4, 1995, Rein.	Do.
Pennsylvania:			
Churchill, borough of, Allegheny County	420023	July 2, 1974, Emerg.; December 15, 1974, Reg.; October 4, 1995, Susp.; December 5, 1995, Rein.	October 4, 1995.
Ohio, township of, Allegheny County	421089	September 26, 1975, Emerg.; November 4, 1988, Reg.; October 4, 1995, Susp.; December 5, 1995, Rein.	Do.
Springdale, borough of, Allegheny County	421282	October 30, 1974, Emerg.; July 16, 1980, Reg.; October 4, 1995, Susp.; December 5, 1995, Rein.	Do.
Kilbuck, township of, Allegheny County	421073	August 18, 1975, Emerg.; February 1, 1980, Reg.; October 4, 1995, Susp.; December 6, 1995, Rein.	Do.
Scott, township of, Allegheny County	421100	October 9, 1974, Emerg.; May 3, 1982, Reg.; October 4, 1995, Susp.; December 12, 1995, Rein.	Do.
South Park, township of, Allegheny County	421165	April 26, 1974, Emerg.; November 5, 1980, Reg.; October 4, 1995, Susp.; December 12, 1995, Rein.	Do.
Hamilton, township of, Monroe County	421888	March 31, 1978, Emerg.; March 2, 1989, Reg.; September 6, 1995, Susp.; December 15, 1995, Rein.	September 6, 1995.
New Jersey:			
Midland Park, borough of, Bergen County	340051	May 26, 1972, Emerg.; September 30, 1977, Reg.; September 20, 1995, Susp.; December 18, 1995, Rein.	September 20, 1995.
Palisades Park, borough of, Bergen County	340061	May 22, 1975, Emerg.; June 1, 1982, Reg.; September 20, 1995, Susp.; December 18, 1995, Rein.	Do.
Pennsylvania: Roscoe, borough of, Washington County.	420858	March 20, 1975, Reg.; October 18, 1995, Susp.; December 19, 1995, Rein.	October 18, 1995.
New Jersey:			
Garfield, city of, Bergen County	340037	May 5, 1972, Emerg.; September 20, 1995, Reg.; September 20, 1995, Susp.; January 22, 1996, Rein.	September 20, 1995.
Tenafly, borough of, Bergen County	340076	April 21, 1975, Emerg.; April 15, 1980, Reg.; September 20, 1995, Susp.; January 22, 1996, Rein.	Do.
Pennsylvania:			
Shaler, township of, Allegheny County	421101	April 22, 1974, Emerg.; March 18, 1980, Reg.; October 4, 1995, Susp.; January 22, 1996, Rein.	October 4, 1995.
California, borough of, Washington County	420848	July 5, 1974, Emerg.; June 15, 1981, Reg.; September 6, 1995, Susp.; January 22, 1996, Rein.	September 6, 1995.
Dunlevy, borough of, Washington County	422133	December 5, 1974, Emerg.; July 16, 1981, Reg.; October 18, 1995, Susp.; January 22, 1996, Rein.	October 18, 1995.

State/location	Community No.	Effective date of eligibility	Current effective map date
Oakdale, borough of, Allegheny County	420059	July 22, 1975, Emerg.; August 15, 1983, Reg.; October 4, 1995, Susp.; January 22, 1996, Rein.	October 4, 1995.
Ross, township of, Allegheny County	420979	October 24, 1973, Emerg.; December 28, 1979, Reg.; October 4, 1995, Susp.; January 22, 1996, Rein.	Do.
Pittsburgh, city of, Allegheny County	420063	April 13, 1973, Emerg.; December 15, 1981, Reg.; October 4, 1995, Susp.; January 22, 1996, Rein.	Do.
South Fayette, township of, Allegheny County	421106	October 30, 1974, Emerg.; February 3, 1982, Reg.; October 4, 1995, Susp.; January 22, 1996, Rein.	Do.
Indiana: Hendricks County, unincorporated areas	180415	March 17, 1975, Emerg.; March 16, 1981, Reg.; June 2, 1994, Susp.; January 22, 1996, Rein.	March 16, 1981.
Virginia: Haymarket, town of, Prince William County	510121	January 31, 1990, Reg.; January 5, 1995, Susp.; January 22, 1996, Rein.	January 5, 1995.
Pennsylvania:			
Ben Avon, borough of, Allegheny County	420010	June 2, 1976, Emerg.; July 16, 1981, Reg.; October 4, 1995, Susp.; January 23, 1996, Rein.	October 4, 1995.
Wilkins, township of, Allegheny County	420090	March 16, 1973, Emerg.; September 29, 1978, Reg.; October 4, 1995, Susp.; January 23, 1996, Rein.	Do.
East Deer, township of, Allegheny County	421061	February 5, 1975, Emerg.; August 15, 1980, Reg.; October 4, 1995, Susp.; January 25, 1996, Rein.	Do.
Iowa: Humboldt, city of, Humboldt County	190155	January 28, 1975, Emerg.; May 19, 1981, Reg.; November 6, 1991, Susp.; January 25, 1996, Rein.	May 19, 1981.
Pennsylvania:			
Franklin Park, borough of, Allegheny County	420037	January 10, 1975, Emerg.; January 1, 1982, Reg.; October 4, 1995, Susp.; January 26, 1996, Rein.	October 4, 1995.
Millvale, borough of, Allegheny County	420053	May 21, 1973, Emerg.; July 16, 1979, Reg.; October 4, 1995, Susp.; January 26, 1996, Rein.	Do.
Sewickly, borough of, Allegheny County	420070	November 22, 1974, Emerg.; September 14, 1979, Reg.; October 4, 1995, Susp.; January 30, 1996, Rein.	Do.
Indiana: Princeton, city of, Allegheny County	180073	March 19, 1975, Emerg.; January 21, 1983, Reg.; August 16, 1993, Susp.; January 30, 1996, Rein.	January 21, 1983.

[1] The Village of West Hampton Dunes has adopted the Town of Southampton's (CID #365342) Flood Insurance Rate Map (FIRM) and Flood Insurance Study dated 7–2–87 for floodplain management and insurance purposes.

Code for reading third column: Emerg.- Emergency; Reg.- Regular; Rein.- Reinstatement; Susp.- Suspension; With.- Withdrawn.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Issued: February 20, 1996.

Richard W. Krimm,

Acting Associate Director, Mitigation Directorate.

[FR Doc. 96–4815 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–158; RM–8239 and RM–8317]

Radio Broadcasting Services; Hazlehurst, Utica & Vicksburg, MS

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: The Commission denies the petition filed by Donald Brady (''Brady'') for reconsideration of the *Report and Order* in MM Docket 93–158, 59 FR 55593, November 8, 1994. The *Report and Order* substituted Channel 265C2 for Channel 225A, Utica, Mississippi, substituted Channel 267A for Channel 266A, Vicksburg, Mississippi, and substituted Channel 225A for Channel 265C3 at Hazlehurst, Mississippi. The *Notice* erroneously indicated that the upgrade at Utica was a non-adjacent upgrade rather than an incompatible channel swap. The Commission concluded that it was within the scope of the *Notice* to treat the Utica upgrade as an incompatible channel swap, thereby obviating the need for competing expressions of interest in the channel. With this action, this proceeding is terminated.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–4789 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 90–189; RM–6904, RM–7114, RM–7186, RM–7415, RM–7298]

Radio Broadcasting Services: Farmington, Grass Valley, Jackson, Linden, Placerville and Fair Oaks, CA, and Carson City and Sun Valley, NV

AGENCY: Federal Communications Commission.

ACTION: Final rule, petition for reconsideration.

SUMMARY: This document dismisses a Petition for Reconsideration filed by Gold Country Communications, Inc. directd to the *First Report and Order* in this proceeding. *See* 60 FR 48425, September 19, 1995.

EFFECTIVE DATE: March 1, 1996.

FOR FUTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order* in MM Docket No. 90–189, adopted November 15, 1995, and released February 22, 1996. The full text of this decision is available for

inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commisson.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–4788 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 92–81; RM–7875]

Television Broadcasting Services; Farmington and Gallup, NM

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Pulitzer Broadcasting Company, reallots Channel 3 from Gallup to Farmington, New Mexico, as the community's second local television service, and modifies the construction permit of Station KOAV-TV accordingly. *See* 57 FR 14554, April 21, 1992. Channel 3 can be allotted to Farmington in compliance with the Commission's minimum distance separation requirements with a site restriction of 4.7 kilometers (2.9 miles) southeast, at coordinates 36–41–48 North Latitude and 108-10-39 West Longitude. This allotment is not affected by the Commission's temporary freeze on new television allotments in certain metropolitan areas. With this action, this proceeding is terminated.

EFFECTIVE DATE: April 8, 1996.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order,* MM Docket No. 92–81, adopted February 1, 1996, and released February 23, 1996. 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, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television 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.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under New Mexico, is amended by removing Channel 3 at Gallup and adding Channel 3 at Farmington.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 96–4786 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 61, No. 42
Friday, March 1, 1996

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 THE TREASURY

Customs Service

19 CFR Part 101

Extension of Port Limits of Columbus, Ohio

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations pertaining to the field organization of Customs by extending the geographical limits of the port of Columbus, Ohio, to include Rickenbacker Airport which is currently operating as a user fee airport. The boundary expansion of the Columbus port is proposed because enough business within the port has shifted to Rickenbacker Airport to make it worthwhile for the Customs Service to plan to relocate its port offices there. If the boundaries of the port are extended as proposed, the Customs Regulations would also be amended to remove Rickenbacker Airport's designation as a user fee airport. This proposed change is being made as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources and to provide better service to carriers, importers, and the general public.

DATES: Comments must be received on or before April 30, 1996.

ADDRESSES: Written comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U. S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229. Comments submitted may be inspected at the Regulations Branch, Office of Regulations and Rulings, 1099 14th Street NW., Suite 4000, Washington, D.C. on regular business days between the hours of 9:00 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, (202) 927–0196.

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public, Customs proposes to amend § 101.3, Customs Regulations (19 CFR 101.3) by extending the geographical limits of the port of Columbus, Ohio, to include the territory encompassing Rickenbacker Airport. Rickenbacker Airport is currently a user fee airport. Much business has shifted within the port to Rickenbacker Airport to make it worthwhile for Customs to include it within the Columbus port boundaries. Customs even plans to relocate its offices to Rickenbacker Airport. If the boundaries of the port of Columbus are extended as proposed, the Customs Regulations would also be amended to remove Rickenbacker Airport from the list of user fee airports in § 122.15, Customs Regulations. If the proposal is adopted, Customs will use existing staffing to service the expanded area of the port of Columbus, Ohio.

Current Port Limits of Columbus

The current port limits of the port of Columbus, Ohio were established in Treasury Decision (T.D.) 82–9, effective February 11, 1982. The current port limits of the port of Columbus include all of the territory within the corporate limits of Columbus, Ohio, all of the territory completely surrounded by the city of Columbus, and all of the territory enclosed by Interstate Highway 270 (outer belt), which completely surrounds the city.

Proposed Extension of Port

As proposed, the expanded port limits of Columbus, Ohio, would encompass the port limits set forth in T.D. 82–9 as well as the following territory:

Beginning at the intersection of Rohr and Lockbourne Roads, then proceeding southerly along Lockbourne Road to Commerce Street, thence easterly along Commerce Street to its intersection with the N & W railroad tracks, then southerly along the N & W railroad tracks to the Franklin-Pickaway County line, thence easterly along the Franklin-Pickaway County line to its intersection with Pontius Road, then northerly along Pontius Road to its intersection with Rohr Road, thence westerly along Rohr Road to its intersection with Lockbourne Road, the point of beginning, all within the County of Franklin, State of Ohio.

If the proposed extension of the port of Columbus is adopted, the limits in the port column adjacent to the listing of Columbus in the list of Customs ports of entry in 19 CFR 101.3 and the list of user fee airports in 19 CFR 122.15 will be amended accordingly.

Comments

Prior to adoption of this proposal, consideration will be given to written comments timely submitted to Customs. Submitted comments will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), section 1.4, Treasury Department Regulations (31 CFR 1.4), and section 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9:00 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, 1099 14th Street NW., Suite 4000, Washington, D.C.

Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66, and 1624.

The Regulatory Flexibility Act and Executive Order 12866

Customs routinely establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Thus, although this document is being issued with notice for public comment, because it relates to agency management and organization, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Agency organization matters such as this proposed port extension are exempt from consideration under Executive Order 12866.

Drafting Information: The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel

from other offices participated in its development.

George J. Weise,

Commissioner of Customs.

Approved: January 31, 1996.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 96–4798 Filed 2–29–96; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket No. 95P–0088]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to grant the petition of Bryan Corp. (Bryan) to add sterile aerosol talc to the list of products containing a chlorofluorocarbon (CFC) propellant for an essential use. Essential use products are exempt from FDA's ban on the use of CFC propellants in FDA-regulated products and the Environmental Protection Agency's (EPA's) ban on the use of CFC's in pressurized dispensers. This document proposes to amend FDA's regulations governing use of CFC's to include sterile aerosol talc as an essential use.

DATES: Written comments by April 1, 1996.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Wayne H. Mitchell, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1049.

SUPPLEMENTARY INFORMATION:

I. Background

Under § 2.125 (21 CFR 2.125), any food, drug, device, or cosmetic in a self-pressurized container that contains a CFC propellant for a nonessential use is adulterated and/or misbranded under the Federal Food, Drug, and Cosmetic Act. This prohibition is based on scientific research indicating that CFC's may reduce the amount of ozone in the stratosphere and thereby increase the amount of ultraviolet radiation reaching the earth. An increase in ultraviolet radiation may increase the incidence of skin cancer, change the climate, and produce other adverse effects of unknown magnitude on humans, animals, and plants. Section 2.125(d) exempts from the adulteration and misbranding provisions of § 2.125(c) certain products containing CFC propellants that FDA determines provide unique health benefits that would not be available without the use of a CFC. These products are referred to in the regulation as essential uses of CFC's and are listed in § 2.125(e).

Under § 2.125(f), any person may petition the agency to request additions to the list of uses considered essential. To demonstrate that the use of a CFC is essential, the petition must be supported by an adequate showing that: (1) There are no technically feasible alternatives to the use of a CFC in the product; (2) the product provides a substantial health, environmental, or other public benefit unobtainable without the use of the CFC; and (3) the use does not involve a significant release of CFC's into the atmosphere or, if it does, the release is warranted by the consequence if the use were not permitted.

EPA regulations implementing provisions of the Clean Air Act contain a general ban on the use of CFC's in pressurized dispensers (40 CFR 82.64(c) and 82.66(d)). These regulations exempt from the general ban ''medical devices'' that FDA considers essential and that are listed in § 2.125(e). Section 601(8) of the Clean Air Act (42 U.S.C. 7671(8)) defines ''medical device'' as any device (as defined in the Federal Food, Drug, and Cosmetic Act), diagnostic product, drug (as defined in the Federal Food, Drug, and Cosmetic Act), and drug delivery system, if such device, product, drug, or drug delivery system uses a class I or class II ozone-depleting substance for which no safe and effective alternative has been developed (and where necessary, approved by the Commissioner of Food and Drugs (the Commissioner)); and if such device, product, drug, or drug delivery system has, after notice and opportunity for public comment, been approved and determined to be essential by the Commissioner in consultation with the Administrator of EPA (the Administrator). Class I substances include CFC's, halons, carbon tetrachloride, methyl chloroform, methyl bromide, and other chemicals not relevant to this document (see 40 CFR part 82, appendix A to subpart A). Class II substances include hydrochlorofluorocarbons (HCFC's) (see 40 CFR part 82, appendix B to subpart A).

II. Petition Received by FDA

Bryan submitted a petition under § 2.125(f) and 21 CFR part 10 requesting an addition to the list of CFC uses considered essential. The petition is on file under the docket number appearing in the heading of this document and may be seen in the Dockets Management Branch (address above). The petition requested that sterile aerosol talc be included in § 2.125(e) as an essential use of CFC's. The petition contained a discussion supporting the position that there are no technically feasible alternatives to the use of CFC's in the product. It included information showing that no alternative delivery systems (e.g., the pneumatic atomizer) can assure consistent sterility. The petition also stated that Bryan is unaware of any appropriate substitute propellants (e.g., compressed gases). Also, the petition stated that the product provides a substantial health benefit that would not be obtainable without the use of CFC's. In this regard, the petition contained information to support the use of this product in the treatment of malignant pleural effusions, a condition in which fluid accumulates in the space between the outside surface of the lung and the inside surface of the chest wall (pleural cavity) as a result of involvement by an underlying cancer. The petition also provided information indicating that use of the product would involve a limited release of CFC's into the atmosphere and the release is warranted by the health benefits of the product.

III. FDA'S Review of the Petition

The agency has tentatively decided that for many patients suffering from malignant pleural effusions, the use of sterile aerosol talc provides a special benefit that would be unavailable without the use of CFC's. Based on the evidence currently before it, FDA also agrees that the use of CFC's for this product does not involve a significant release of CFC's into the atmosphere. Therefore, FDA is proposing to amend § 2.125(e) to include sterile aerosol talc administered intrapleurally by thoracoscopy for human use in the list of essential uses of CFC propellants. A copy of this document has been provided to the Administrator.

IV. Analysis of Impacts

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 agency is not aware of any adverse impact of this proposed rule will have on any small entities, 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.

V. Opportunity for Public Comment

Interested persons may, on or before April 1, 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 found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Devices, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 2 be amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

1. The authority citation for 21 CFR part 2 continues to read as follows:

Authority: Secs. 201, 301, 305, 402, 408, 409, 501, 502, 505, 507, 512, 601, 701, 702, 704 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 335, 342, 346a, 348, 351, 352, 355, 357, 360b, 361, 371, 372, 374); 15 U.S.C. 402, 409.

2. Section 2.125 is amended by adding new paragraph (e)(15) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(15) Sterile aerosol talc administered intrapleurally by thoracoscopy for human use.

* * * * *

Dated: February 22, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–4714 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 324

[DFAS Regulation 5400.11–R]

Defense Finance and Accounting Service Privacy Act Program

AGENCY: Defense Finance and Accounting Service, DOD.

ACTION: Proposed rule.

SUMMARY: This proposed rule establishes the Defense Finance and Accounting Service (DFAS) Privacy Act Program. DFAS was established to provide finance and accounting services for the DoD Components and other Federal activities, as designated by the Comptroller, DoD.

The Defense Finance and Accounting Service was activated on January 15, 1991, to improve the overall effectiveness of DoD financial management through the consolidation, standardization and integration of finance and accounting systems, procedures and operations. DFAS is also responsible for identifying and implementing finance and accounting requirements, systems and functions for appropriated and non-appropriated funds, as well as working capital, revolving funds and trust fund activities--including security assistance.

DATES: Comments must be received by April 30, 1996, to be considered by the agency.

ADDRESSES: Send comments to the Defense Finance and Accounting Service, 1931 Jefferson Davis Highway, Room 416, Arlington, VA 22240–5291.

FOR FURTHER INFORMATION CONTACT: Ms. Genevieve Turney (703) 607–5165 or DSN 327–5165.

SUPPLEMENTARY INFORMATION: Executive Order 12866. The Director, Administration and Management, Office of the Secretary of Defense has determined that this Privacy Act rule for the Department of Defense does not constitute 'significant regulatory action'. Analysis of the rule indicates that it does not have an annual effect on the economy of $100 million or more; does not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; does not materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; does not raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866 (1993).

Regulatory Flexibility Act of 1980. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense does not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense.

Paperwork Reduction Act. The Director, Administration and Management, Office of the Secretary of Defense certifies that this Privacy Act rule for the Department of Defense imposes no information requirements beyond the Department of Defense and that the information collected within the Department of Defense is necessary and consistent with 5 U.S.C. 552a, known as the Privacy Act of 1974.

This proposed rule establishes the Defense Finance and Accounting Service (DFAS) Privacy Act Program. DFAS was established to provide finance and accounting services for the DoD Components and other Federal activities, as designated by the Comptroller, DoD.

List of subjects in 32 CFR part 324

Privacy.

Accordingly, 32 CFR part 324 is added to read as follows:

PART 324–DFAS PRIVACY ACT PROGRAM

Subpart A–General Information

324.1 Issuance and purpose.
324.2 Applicability and scope.
324.3 Policy.
324.4 Responsibilities.

Subpart B–Systems of Records

324.5 General information.
324.6 Procedural rules.
324.7 Exemption rules.

Subpart C–Individual Access to Records

324.8 Right of access.
324.9 Notification of record's existence.
324.10 Individual requests for access.
324.11 Denials.
324.12 Granting individual access to records
324.13 Access to medical and psychological records.
324.14 Relationship between the Privacy Act and the Freedom of Information Act.
Appendix A to part 324 – DFAS Reporting Requirements
Appendix B to part 324 – System of Records Notice

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U.S.C. 552a).

Subpart A – General information

§ 324.1 Issuance and purpose.

The Defense Finance and Accounting Service fully implements the policy and procedures of the Privacy Act and the DoD 5400.11-R [1], 'Department of Defense Privacy Program' (see 32 CFR part 310). This regulation supplements the DoD Privacy Program only to establish policy for the Defense Finance and Accounting Service (DFAS) and provide DFAS unique procedures.

§ 324.2 Applicability and scope.

This regulation applies to all DFAS, Headquarters, DFAS Centers, the Financial System Organization (FSO), and other organizational components. It applies to contractor personnel who have entered a contractual agreement with DFAS. Prospective contractors will be advised of their responsibilities under the Privacy Act Program.

§ 324.3 Policy.

DFAS personnel will comply with the Privacy Act of 1974, the DoD Privacy Program and the DFAS Privacy Act Program. Strict adherence is required to ensure uniformity in the implementation of the DFAS Privacy Act Program and to create conditions that will foster public trust. Personal information maintained by DFAS organizational elements will be safeguarded. Information will be made available to the individual to whom it pertains to the maximum extent practicable. Specific DFAS policy is provided for Privacy Act training, responsibilities, reporting procedures and implementation requirements. DFAS Components will not define policy for the Privacy Act Program.

§ 324.4 Responsibilities.

(a) *Director, DFAS.*

(1) Ensures the DFAS Privacy Act Program is implemented at all DFAS locations.

(2) The Director, DFAS, will be the Final Denial Appellate Authority. This authority may be delegated to the Director for Resource Management.

(3) Appoints the Director for External Affairs and Administrative Support, or a designated replacement, as the DFAS Headquarters Privacy Act Officer.

(b) *DFAS Headquarters General Counsel.*

(1) Ensures uniformity is maintained in legal rulings and interpretation of the Privacy Act.

(2) Consults with DoD General Counsel on final denials that are inconsistent with other final decisions within DoD. Responsible to raise new legal issues of potential significance to other Government agencies.

(3) Provides advice and assistance to the DFAS Director, Center Directors, and the FSO as required, in the discharge of their responsibilities pertaining to the Privacy Act.

(4) Acts as the DFAS focal point on Privacy Act litigation with the Department of Justice.

(5) Reviews Headquarters' denials of initial requests and appeals.

(c) *DFAS Center Directors.*

(1) Ensures that all DFAS Center personnel, all personnel at subordinate levels, and contractor personnel working with personal data comply with the DFAS Privacy Act Program.

(2) Serves as the DFAS Center Initial Denial Authority for requests made as a result of denying release of requested information at locations within DFAS Center authority. Initial denial authority may not be redelegated. Initial denial appeals will be forwarded to the appropriate DFAS Center marked to the attention of the DFAS Center Initial Denial Authority.

(d) *Director, FSO.*

(1) Ensures that FSO and subordinate personnel and contractors working with personal data comply with the Privacy Act Program.

(2) Serves as the FSO Initial Denial Authority for requests made as a result of denying release of requested information at locations within FSO authority. FSO Initial denial authority may not be redelegated.

(3) Appoints a Privacy Act Officer for the FSO and each Financial System Activity (FSA).

(e) *DFAS Headquarters Privacy Act Officer.*

(1) Establishes, issues and updates policy for the DFAS Privacy Act Program and monitors compliance. Serves as the DFAS single point of contact on all matters concerning Privacy Act policy. Resolves any conflicts resulting from implementation of the DFAS Privacy Act Program policy.

(2) Serves as the DFAS single point of contact with the Department of Defense Privacy Office. This duty may be delegated.

(3) Ensures that the collection, maintenance, use and/or dissemination of records of identifiable personal information is for a necessary and lawful purpose, that the information is current and accurate for the intended use and that adequate security safeguards are provided.

(4) Monitors system notices for agency systems of records. Ensures that new, amended, or altered notices are promptly prepared and published. Reviews all notices submitted by the DFAS Privacy Act Officers for correctness and submits same to the Department of Defense Privacy Office for publication in the Federal Register. Maintains and publishes a listing of DFAS Privacy Act system notices.

(5) Establishes DFAS Privacy Act reporting requirement due dates. Compiles all Agency reports and submits the completed annual report to the Defense Privacy Office. DFAS reporting requirements are provided in Appendix A to this part.

(6) Conducts annual Privacy Act Program training for DFAS Headquarters (HQ) personnel. Ensures that subordinate DFAS Center and FSO Privacy Act Officers fulfill annual training requirements.

(f) *FSO and Financial System Activities (FSAs) Legal Support.* The FSO and subordinate FSA organizational elements will be supported by the appropriate DFAS-HQ or DFAS Center General Counsel office.

(g) *DFAS Center(s) Assistant General Counsel.*

(1) Ensures uniformity is maintained in legal rulings and interpretation of the Privacy Act and this regulation. Consults with the DFAS-HQ General Counsel as required.

(2) Provides advice and assistance to the DFAS Center Director and the FSA in the discharge of his/her responsibilities pertaining to the Privacy Act.

(3) Coordinates on DFAS Center and the FSA denials of initial requests.

(h) *DFAS Center Privacy Act Officer.*

(1) Implements and administers the DFAS Privacy Act Program for all personnel, to include contractor personnel, within the Center, Operating Locations (OpLocs) and Defense Accounting Offices (DAOs).

(2) Ensures that the collection, maintenance, use, or dissemination of

[1] Copies may be obtained at cost from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

records of identifiable personal information is in a manner that assures that such action is for a necessary and lawful purpose; the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information. Advises the Program Manager that systems notices must be published in the Federal Register prior to collecting or maintenance of the information. Submits system notices to the DFAS-HQ Privacy Act Officer for review and subsequent submission to the Department of Defense Privacy Office.

(3) Administratively controls and processes Privacy Act requests. Ensures that the provisions of this regulation and the DoD Privacy Act Program are followed in processing requests for records. Ensures all Privacy Act requests are promptly reviewed. Coordinates the reply with other organizational elements as required.

(4) Prepares denials and partial denials for the Center Director's signature and obtain required coordination with the assistant General Counsel. Responses will include written justification citing a specific exemption or exemptions.

(5) Prepares input for the annual Privacy Act Report as required using the guidelines provided in Appendix A to this part.

(6) Conducts training on the DFAS Privacy Act Program for Center personnel.

(i) *FSO Privacy Act Officer.*

(1) Implements and administers the DFAS Privacy Act Program for all personnel, to include contractor personnel, within the FSO.

(2) Ensures that the collection, maintenance, use, or dissemination of records of identifiable personal information is in a manner that assures that such action is for a necessary and lawful purpose; the information is timely and accurate for its intended use; and that adequate safeguards are provided to prevent misuse of such information. Advises the Program Manager that systems notices must be published in the Federal Register prior to collecting or maintenance of the information. Submits system notices to the DFAS-HQ Privacy Act Officer for review and subsequent submission to the Department of Defense Privacy Office.

(3) Administratively controls and processes Privacy Act requests. Ensures that the provisions of this regulation and the DoD Privacy Act Program are followed in processing requests for records. Ensure all Privacy Act requests are promptly reviewed. Coordinate the reply with other organizational elements as required.

(4) Prepares denials and partial denials for signature by the Director, FSO and obtains required coordination with the assistant General Counsel. Responses will include written justification citing a specific exemption or exemptions.

(5) Prepares input for the annual Privacy Act Report (RCS: DD-DA&M(A)1379) as required using the guidelines provided in Appendix A to this part.

(6) Conducts training on the DFAS Privacy Act Program for FSO personnel.

(j) *DFAS employees.*

(1) Will not disclose any personal information contained in any system of records, except as authorized by this regulation.

(2) Will not maintain any official files which are retrieved by name or other personal identifier without first ensuring that a system notice has been published in the Federal Register.

(3) Reports any disclosures of personal information from a system of records or the maintenance of any system of records not authorized by this regulation to the appropriate Privacy Act Officer for action.

(k) *DFAS system managers (SM).*

(1) Ensures adequate safeguards have been established and are enforced to prevent the misuse, unauthorized disclosure, alteration, or destruction of personal information contained in system records.

(2) Ensures that all personnel who have access to the system of records or are engaged in developing or supervising procedures for handling records are totally aware of their responsibilities to protect personal information established by the DFAS Privacy Act Program.

(3) Evaluates each new proposed system of records during the planning stage. The following factors should be considered:

(i) Relationship of data to be collected and retained to the purpose for which the system is maintained. All information must be relevant to the purpose.

(ii) The impact on the purpose or mission if categories of information are not collected. All data fields must be necessary to accomplish a lawful purpose or mission.

(iii) Whether informational needs can be met without using personal identifiers.

(iv) The disposition schedule for information.

(v) The method of disposal.

(vi) Cost of maintaining the information.

(4) Complies with the publication requirements of DoD 5400.11-R, 'Department of Defense Privacy Program' (see 32 CFR part 310). Submits final publication requirements to the appropriate DFAS Privacy Act Officer.

(l) *DFAS program manager(s).* Reviews system alterations or amendments to evaluate for relevancy and necessity. Reviews will be conducted annually and reports prepared outlining the results and corrective actions taken to resolve problems. Reports will be forwarded to the appropriate Privacy Act Officer.

(m) *Federal government contractors.* When a DFAS organizational element contracts to accomplish an agency function and performance of the contract requires the operation of a system of records or a portion thereof, DoD 5400.11-R, 'Department of Defense Privacy Program' (see 32 CFR part 310) and this part apply. For purposes of criminal penalties, the contractor and its employees shall be considered employees of DFAS during the performance of the contract.

(1) *Contracting Involving Operation of Systems of Records.* Consistent with Federal Acquisition Regulation (FAR)[2] and the DoD Supplement to the Federal Acquisition Regulation (DFAR)[3], Part 224.1, contracts involving the operation of a system of records or portion thereof shall specifically identify the record system, the work to be performed and shall include in the solicitations and resulting contract such terms specifically prescribed by the FAR and DFAR.

(2) *Contracting.* For contracting subject to this part, the Agency shall:

(i) Informs prospective contractors of their responsibilities under the DFAS Privacy Act Program.

(ii) Establishes an internal system for reviewing contractor performance to ensure compliance with the DFAS Privacy Act Program.

(3) *Exceptions.* This rule does not apply to contractor records that are:

(i) Established and maintained solely to assist the contractor in making internal contractor management decisions, such as records maintained by the contractor for use in managing the contract.

(ii) Maintained as internal contractor employee records, even when used in conjunction with providing goods or services to the agency.

(4) *Contracting procedures.* The Defense Acquisition Regulatory Council

[2] Copies may be obtained at cost from the Superintendent of Documents, PO Box 37195, Pittsburgh, PA 15250–7954.

[3] See footnote 2 to § 324.4(m)(1)

is responsible for developing the specific policies and procedures for soliciting, awarding, and administering contracts.

(5) *Disclosing records to contractors.* Disclosing records to a contractor for use in performing a DFAS contract is considered a disclosure within DFAS. The contractor is considered the agent of DFAS when receiving and maintaining the records for the agency.

Subpart B – Systems of Records

§ 324.5 General information.

(a) The provisions of DoD 5400.11-R, 'Department of Defense Privacy Program' (see 32 CFR part 310) apply to all DFAS systems of records. DFAS Privacy Act Program Procedural Rules, DFAS Exemption Rules and System of Record Notices are the three types of documents relating to the Privacy Act Program that must be published in the Federal Register.

(b) A system of records used to retrieve records by a name or some other personal identifier of an individual must be under DFAS control for consideration under this regulation. DFAS will maintain only those Systems of Records that have been described through notices published in the Federal Register.

(1) *First amendment guarantee.* No records will be maintained that describe how individuals exercise their rights guaranteed by the First Amendment unless maintenance of the record is expressly authorized by Statute, the individual or for an authorized law enforcement purpose.

(2) *Conflicts.* In case of conflict, the provisions of DoD 5400.11-R take precedence over this supplement or any DFAS directive or procedure concerning the collection, maintenance, use or disclosure of information from individual records.

(3) *Record system notices.* Record system notices are published in the Federal Register as notices and are not subject to the rule making procedures. The public must be given 30 days to comment on any proposed routine uses prior to implementing the system of record.

(4) *Amendments.* Amendments to system notices are submitted in the same manner as the original notices.

§ 324.6 Procedural rules.

DFAS procedural rules (regulations having a substantial and direct impact on the public) must be published in the Federal Register first as a proposed rule to allow for public comment and then as a final rule. Procedural rules will be submitted through the appropriate DFAS Privacy Act Officer to the Department of Defense Privacy Office. Appendix B to this part provides the correct format. Guidance may be obtained from the DFAS-HQ and DFAS Center Records Managers on the preparation of procedural rules for publication.

§ 324.7 Exemption rules.

(a) *Submitting proposed exemption rules.* Each proposed exemption rule submitted for publication in the Federal Register must contain: The agency identification and name of the record system for which an exemption will be established; The subsection(s) of the Privacy Act which grants the agency authority to claim an exemption for the system; The particular subsection(s) of the Privacy Act from which the system will be exempt; and the reasons why an exemption from the particular subsection identified in the preceding subparagraph is being claimed. No exemption to all provisions of the Privacy Act for any System of records will be granted. Only the Director, DFAS may make a determination that an exemption should be established for a system of record.

(b) *Submitting exemption rules for publication.* Exemption rules must be published in the Federal Register first as proposed rules to allow for public comment, then as final rules. No system of records shall be exempt from any provision of the Privacy Act until the exemption rule has been published in the Federal Register as a final rule. The DFAS Privacy Act Officer will submit proposed exemption rules, in proper format, to the Defense Privacy Office, for review and submission to the Federal Register for publication. Amendments to exemption rules are submitted in the same manner as the original exemption rules.

(c) *Exemption for classified records.* Any record in a system of records maintained by the Defense Finance and Accounting Service which falls within the provisions of 5 U.S.C. 552a(k)(1) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G)-(e)(4)(I) and (f) to the extent that a record system contains any record properly classified under Executive Order 12589 and that the record is required to be kept classified in the interest of national defense or foreign policy. This specific exemption rule, claimed by the Defense Finance and Accounting Service under authority of 5 U.S.C. 552a(k)(1), is applicable to all systems of records maintained, including those individually designated for an exemption herein as well as those not otherwise specifically designated for an exemption, which may contain isolated items of properly classified information

(1) *General exemptions.* [Reserved]

(2) *Specific exemptions.* [Reserved]

Subpart C – Individual Access to Records

§ 324.8 Right of access.

The provisions of DoD 5400.11-R, 'Department of Defense Privacy Program' (see 32 CFR part 310) apply to all DFAS personnel about whom records are maintained in systems of records. All information that can be released consistent with applicable laws and regulations should be made available to the subject of record.

§ 324.9 Notification of record's existence.

All DFAS Privacy Act Officers shall establish procedures for notifying an individual, in response to a request, if the system of records contains a record pertaining to him/her.

§ 324.10 Individual requests for access.

Individuals shall address requests for access to records to the appropriate Privacy Act Officer by mail or in person. Requests for access should be acknowledged within 10 working days after receipt and provided access within 30 working days. Every effort will be made to provide access rapidly; however, records cannot usually be made available for review on the day of request. Requests must provide information needed to locate and identify the record, such as individual identifiers required by a particular system, to include the requester's full name and social security number.

§ 324.11 Denials.

Only a designated denial authority may deny access. The denial must be in writing.

§ 324.12 Granting individual access to records.

(a) The individual should be granted access to the original record (or exact copy) without any changes or deletions. A record that has been amended is considered the original.

(b) The DFAS component that maintains control of the records will provide an area where the records can be reviewed. The hours for review will be set by each DFAS location.

(c) The custodian will require presentation of identification prior to providing access to records. Acceptable identification forms include military or government civilian identification cards, driver's license, or other similar photo identification documents.

(d) Individuals may be accompanied by a person of their own choosing when reviewing the record; however, the custodian will not discuss the record in the presence of the third person without written authorization.

(e) On request, copies of the record will be provided at a cost of $.15 per page. Fees will not be assessed if the cost is less that $30.00. Individuals requesting copies of their official personnel records are entitled to one free copy and then a charge will be assessed for additional copies.

§ 324.13 Access to medical and psychological records.

Individual access to medical and psychological records should be provided, even if the individual is a minor, unless it is determined that access could have an adverse effect on the mental or physical health of the individual. In this instance, the individual will be asked to provide the name of a personal physician, and the record will be provided to that physician in accordance with guidance in Department of Defense 5400.11-R, 'Department of Defense Privacy Program' (see 32 CFR part 310).

§ 324.14 Relationship between the Privacy Act and the Freedom of Information Act.

Access requests that specifically state or reasonably imply that they are made under FOIA, are processed pursuant to the DFAS Freedom of Information Act Regulation. Access requests that specifically state or reasonably imply that they are made under the PA are processed pursuant to this regulation. Access requests that cite both the FOIA and the PA are processed under the Act that provides the greater degree of access. Individual access should not be denied to records otherwise releasable under the PA or the FOIA solely because the request does not cite the appropriate statute. The requester should be informed which Act was used in granting or denying access.

Appendix A to part 324–DFAS Reporting Requirements

By February 1, of each calendar year, DFAS Centers and Financial Systems Organizations will provide the DFAS Headquarters Privacy Act Officer with the following information:

1. Total number of access requests granted in whole:
2. Total number of access requests granted in part:
3. Total number of access requests wholly denied:
4. Total number of access requests for which no record was found:
5. Total number of Amendment Requests Granted in whole:
6. Total number of Amendment Requests Granted in part:
7. Total number of Amendment Requests wholly denied:
8. The results of reviews undertaken in response to paragraph 3a of Appendix I to OMB Circular A-130 [4].

Appendix B to part 324–System of Records Notice

The following data captions are required for each system of records notice published in the Federal Register. An explanation for each caption is provided.

1. *System identifier.* The system identifier must appear in all system notices. It is limited to 21 positions, including agency code, file number, symbols, punctuation, and spaces.

2. *Security classification.* Self explanatory. (DoD does not publish this caption. However, each agency is responsible for maintaining the information.)

3. *System name.* The system name must indicate the general nature of the system of records and, if possible, the general category of individuals to whom it pertains. Acronyms should be established parenthetically following the first use of the name (e.g., 'Field Audit Office Management Information System (FMIS)'). Acronyms shall not be used unless preceded by such an explanation. The system name may not exceed 55 character positions, including punctuation and spaces.

4. *Security classification.* This category is not published in the Federal Register but is required to be kept by the Headquarters Privacy Act Officer.

5. *System location.* a. For a system maintained in a single location, provide the exact office name, organizational identity, routing symbol, and full mailing address. Do not use acronyms in the location address.

b. For a geographically or organizationally decentralized system, describe each level of organization or element that maintains a portion of the system of records.

c. For an automated data system with a central computer facility and input or output terminals at geographically separate locations, list each location by category.

d. If multiple locations are identified by type of organization, the system location may indicate that official mailing addresses are published as an appendix to the agency's compilation of systems of records notices in the Federal Register. If no address directory is used, or if the addresses in the directory are incomplete, the address of each location where a portion of the record system is maintained must appear under the 'system location' caption.

e. Classified addresses shall not be listed but the fact that they are classified shall be indicated.

f. The U.S. Postal Service two-letter state abbreviation and the nine-digit zip code shall be used for all domestic addresses.

6. *Categories of individuals covered by the system.* Use clear, non technical terms which show the specific categories of individuals to whom records in the system pertain. Broad descriptions such as 'all DFAS personnel' or 'all employees' should be avoided unless the term actually reflects the category of individuals involved.

7. *Categories of records in the system.* Use clear, non technical terms to describe the types of records maintained in the system. The description of documents should be limited to those actually retained in the system of records. Source documents used only to collect data and then destroyed should not be described.

8. *Authority for maintenance of the system.* The system of records must be authorized by a Federal law or Executive Order of the President, and the specific provision must be cited. When citing federal laws, include the popular names (e.g., '5 U.S.C. 552a, The Privacy Act of 1974') and for Executive Orders, the official titles (e.g., 'Executive Order 9397, Numbering System for Federal Accounts Relating to Individual Persons').

9. *Purpose(s).* The specific purpose(s) for which the system of records was created and maintained; that is, the uses of the records within DFAS and the rest of the Department of Defense should be listed.

10. *Routine uses of records maintained in the system, including categories of users and purposes of the uses.* All disclosures of the records outside DoD, including the recipient of the disclosed information and the uses the recipient will make of it should be listed. If possible, the specific activity or element to which the record may be disclosed (e.g., 'to the Department of Veterans Affairs, Office of Disability Benefits') should be listed. General statements such as 'to other Federal Agencies as required' or 'to any other appropriate Federal Agency' should not be used. The blanket routine uses, published at the beginning of the agency's compilation, applies to all system notices, unless the individual system notice states otherwise.

[4] Copies available from the Office of Personnel Management, 1900 E. Street, Washington, DC 20415.

11. *Disclosure to consumer reporting agencies:* This entry is optional for certain debt collection systems of records.

12. *Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system.* This section is divided into four parts.

13. *Storage:* The method(s) used to store the information in the system (e.g., 'automated, maintained in computers and computer output products' or 'manual, maintained in paper files' or 'hybrid, maintained in paper files and in computers') should be stated. Storage does not refer to the container or facility in which the records are kept.

14. *Retrievability:* How records are retrieved from the system (e.g., 'by name,' 'by SSN,' or 'by name and SSN') should be indicated.

15. *Safeguards:* The categories of agency personnel who use the records and those responsible for protecting the records from unauthorized access should be stated. Generally the methods used to protect the records, such as safes, vaults, locked cabinets or rooms, guards, visitor registers, personnel screening, or computer 'fail-safe' systems software should be identified. Safeguards should not be described in such detail as to compromise system security.

16. *Retention and disposal:* Describe how long records are maintained. When appropriate, the length of time records are maintained by the agency in an active status, when they are transferred to a Federal Records Center, how long they are kept at the Federal Records Center, and when they are transferred to the National Archives or destroyed should be stated. If records eventually are destroyed, the method of destruction (e.g., shredding, burning, pulping, etc.) should be stated. If the agency rule is cited, the applicable disposition schedule shall also be identified.

17. *System manager(s) and address.* The title (not the name) and address of the official or officials responsible for managing the system of records should be listed. If the title of the specific official is unknown, such as with a local system, the local director or office head as the system manager should be indicated. For geographically separated or organizationally decentralized activities with which individuals may correspond directly when exercising their rights, the position or title of each category of officials responsible for the system or portion thereof should be listed. Addresses that already are listed in the agency address directory or simply refer to the directory should not be included.

18. *Notification procedures.* (1) Notification procedures describe how an individual can determine if a record in the system pertains to him/her. If the record system has been exempted from the notification requirements of subsection (f)(l) or subsection (e)(4)(G) of the Privacy Act, it should be so stated. If the system has not been exempted, the notice must provide sufficient information to enable an individual to request notification of whether a record in the system pertains to him/her. Merely referring to a DFAS regulation is not sufficient. This section should also include the title (not the name) and address of the official (usually the Program Manager) to whom the request must be directed; any specific information the individual must provide in order for DFAS to respond to the request (e.g., name, SSN, date of birth, etc.); and any description of proof of identity for verification purposes required for personal visits by the requester.

19. *Record access procedures.* This section describes how an individual can review the record and obtain a copy of it. If the system has been exempted from access and publishing access procedures under subsections (d)(1) and (e)(4)(H), respectively, of the Privacy Act, it should be so indicated. If the system has not been exempted, describe the procedures an individual must follow in order to review the record and obtain a copy of it, including any requirements for identity verification. If appropriate, the individual may be referred to the system manager or another DFAS official who shall provide a detailed description of the access procedures. Any addresses already listed in the address directory should not be repeated.

20. *Contesting records procedures.* This section describes how an individual may challenge the denial of access or the contents of a record that pertains to him or her. If the system of record has been exempted from allowing amendments to records or publishing amendment procedures under subsections (d)(1) and (e)(4)(H), respectively, of the Privacy Act, it should be so stated. If the system has not been exempted, this caption describes the procedures an individual must follow in order to challenge the content of a record pertaining to him/her, or explain how he/she can obtain a copy of the procedures (e.g., by contacting the Program Manager or the appropriate DFAS Privacy Act Officer).

21. *Record source categories:* If the system has been exempted from publishing record source categories under subsection (e)(4)(I) of the Privacy Act, it should be so stated. If the system has not been exempted, this caption must describe where DFAS obtained the information maintained in the system. Describing the record sources in general terms is sufficient; specific individuals, organizations, or institutions need not be identified.

22. *Exemptions claimed for the system.* If no exemption has been established for the system, indicate 'None.' If an exemption has been established, state under which provision of the Privacy Act it is established (e.g., 'Portions of this system of records may be exempt under the provisions of 5 U.S.C. 552a(k)(2).')

Dated: February 26, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–4750 Filed 2–29–96; 8:45 am]

BILLING CODE 5000–04–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 71–8–6938b; FRL–5424–1]

Approval and Promulgation of State Implementation Plans; California State Implementation Plan Revision, Kern County Air Pollution Control District, Sacramento Metropolitan Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the California State Implementation Plan (SIP) which concern the control of oxides of nitrogen (NO_x) emissions from the operations of stationary gas turbines and the removal of a rule from the SIP that controls NO_x emissions from steam generators used in the oil production operations.

The intended effect of proposing approval of these rules is to regulate emissions of NO_x in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). In the Final Rules Section of this Federal Register, the EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for this approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed

rule, no further activity is contemplated in relation to this rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received in writing by April 1, 1996.

ADDRESSES: Written comments on this action should be addressed to: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Copies of the rules and EPA's evaluation report of each rule are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted rules are also available for inspection at the following locations:

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Kern County Air Pollution Control District, 2700 M Street, Suite 290, Bakersfield, CA 93301.

Sacramento Metropolitan Air Quality Management District, 8411 Jackson Road, Sacramento, CA 95826.

FOR FURTHER INFORMATION CONTACT: Daniel A. Meer, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1185.

SUPPLEMENTARY INFORMATION: This document concerns Kern County Air Pollution Control District's (KCAPCD) Rule 425, Cogeneration Gas Turbine Engines (Oxides of Nitrogen), and Sacramento Metropolitan Air Quality Management District's (SMAQMD) Rule 413, Stationary Gas Turbines. The rule being removed from the SIP is KCAPCD Rule 425, Oxides of Nitrogen Emissions from Steam Generators Used in Thermally Enhanced Oil Recovery—Western Kern County Fields. The KCPACD rules were submitted by the California Air Resources Board (CARB) to EPA on November 18, 1993 and the SMAQMD rule was submitted on June 16, 1995. For further information, please see the information provided in the Direct Final action which is located in the Rules Section of this Federal Register.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 30, 1996.

Felicia Marcus,

Regional Administrator.

[FR Doc. 96–4572 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MI44–01–7147b; FRL–5408–6]

Approval and Promulgation of Implementation Plans; Michigan

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: In this action, USEPA proposes to approve the State Implementation Plan (SIP) revision for the Wayne County, Michigan, particulate matter nonattainment area. The SIP submittal consists of State Administrative Rule 374 (R 336.1374), effective July 26, 1995, and is intended to satisfy the contingency measures requirement specified in section 172(c)(9) of the Clean Air Act. In the final rules section of this Federal Register, USEPA is approving the SIP revision as a direct final rule without prior proposal, because the Agency views this as a noncontroversial revision amendment and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to this proposed rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The USEPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received by April 1, 1996.

ADDRESSES: Written comments should be sent to: Carlton T. Nash, Chief, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

FOR FURTHER INFORMATION CONTACT: Christos Panos, Regulation Development Section, Air Toxics and Radiation Branch (AT–18J), USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–8328.

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final rule which is located in the Rules section of this Federal Register. Copies of the request and the USEPA's analysis are available for inspection at the following address: (It is recommended that you telephone Christos Panos at (312) 353–8328 before visiting the Region 5 Office.)

United States Environmental Protection Agency, Region 5, Air and Radiation Division, Air Toxics and Radiation Branch, 77 West Jackson Boulevard, Chicago, Illinois 60604–3590.

Authority: 42 U.S.C. 7401–7671(q).

Dated: December 14, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 96–4849 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[MD3–1–7132, MD25–2–6170; FRL–5432–5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Major VOC Source RACT and Minor VOC Source Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing conditional approval of State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions pertain to Maryland's major source volatile organic compound (VOC) reasonably available control technology (RACT) regulation and minor VOC source requirements. The RACT regulation applies to major VOC sources that are not covered by Maryland's category specific VOC RACT regulations. The minor source requirements apply to smaller VOC sources that are not covered by RACT regulations. EPA is proposing approval of these SIP revisions on the condition that the State of Maryland certifies that it has determined and imposed RACT for all the major VOC sources covered by the VOC RACT regulation, and has submitted those enforceable RACT determinations to EPA as SIP revisions. That certification must be made by the Maryland Department of the Environment by no later than one year from the date EPA promulgates final conditional approval of this SIP revision. If the State fails to do so, that final conditional approval will convert to a disapproval. This action is being taken in accordance with the SIP submittal and revision provisions of the Act.

DATES: Comments must be received on or before April 1, 1996.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air, Radiation, and Toxics Division, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Maria A. Pino, (215) 597–9337, at the EPA Region III office, or via e-mail at pino.maria@epamail.epa.gov. While information may be requested via e-mail, comments must be submitted in writing to the above Region III address.

SUPPLEMENTARY INFORMATION: On April 5, 1991, the State of Maryland formally submitted amendments to its air quality regulations to EPA as a SIP revision. Among the amendments submitted were revisions to COMAR 26.11.06.06, Maryland's minor VOC source requirements. Also included in Maryland's April 5, 1991 SIP revision request was the addition of COMAR 26.11.19.02G, which requires RACT for major sources of VOC that are not covered by Maryland's category specific VOC RACT regulations. Throughout the remainder of this notice, COMAR 26.11.19.02G shall be termed Maryland's generic major source VOC RACT regulation. All other amendments submitted to EPA in Maryland's April 5, 1991 SIP revision request have been approved into Maryland's SIP through separate rulemaking actions. (See 58 FR 63085, 59 FR 60908 and 60 FR 2018.) This rulemaking action only pertains to the portion of Maryland's April 5, 1991 submittal related to the addition of COMAR 26.11.19.02G, Maryland's generic major VOC source RACT regulation, and revisions to COMAR 26.11.06.06, Maryland's minor VOC source requirements.

On June 8, 1993, the Maryland Department of the Environment again submitted amendments to its air quality regulations to EPA as a SIP revision. The June 8, 1993 submittal establishes statewide applicability for Maryland's major VOC source generic RACT regulation and category specific VOC RACT regulations, lowers the applicability threshold for VOC RACT regulations, expands the geographic applicability of Maryland's minor VOC source requirements, and corrects deficiencies in Maryland's Stage I Vapor Recovery regulation. This rulemaking action pertains only to the amendments contained in Maryland's June 8, 1993 submittal related to its generic major VOC source RACT regulation and its minor VOC source regulations, COMAR 26.11.19.02G and COMAR 26.11.06.06, respectively. All other regulations contained in the June 8, 1993 submittal were the subject of a separate rulemaking action. (See 60 FR 2018.)

As required by 40 CFR 51.102, the State of Maryland has certified that public hearings with regard to these proposed revisions were held in Maryland on October 11, 1990 in Annapolis, Maryland and on November 17, 18, and 20, 1992 in Frederick, Centreville, and Columbia, respectively. EPA is soliciting public comments on the issues discussed in this document or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

I. Background

To comply with the RACT provisions of the Act, Maryland was required to expand its RACT regulations to apply statewide. It had to adopt all RACT regulations for all VOC sources for which EPA has published a Control Techniques Guideline (CTG) and all major non-CTG VOC sources (so-called generic VOC sources) with the potential to emit ≥ 25 TPY in Cecil County and the Baltimore nonattainment area and ≥ 50 TPY in the remainder of the State. These major non-CTG sources are subject to Maryland's generic VOC RACT regulation.

II. EPA Evaluation and Proposed Action

The following is EPA's evaluation and proposed action for the State of Maryland. Detailed descriptions of the amendments addressed in this document, and EPA's evaluation of the amendments, are contained in the technical support document (TSD) prepared for these revisions. Copies of the TSD are available from the EPA Regional office listed in the **ADDRESSES** section of this document.

State Submittal: Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, was originally submitted to EPA on April 5, 1991 to comply with the RACT Fix-up requirements of section 182(a)(2) of the Act. COMAR 26.11.19.02G required RACT for sources in the Baltimore and the Maryland portion of pre-enactment Washington, DC nonattainment areas with the potential to emit ≥ 100 TPY of VOC and which were not subject to COMAR 26.11.11, 26.11.13, or 26.11.19.03–.15, Maryland's category-specific VOC RACT regulations.

Subsequently, Maryland revised its generic major source VOC RACT regulation to comply with the RACT Catch-up provisions of section 182(b)(2) of the Act. The regulation was revised to make it applicable statewide and to apply to ''major stationary sources of VOC'' rather than to VOC sources that have the potential to emit ≥ 100 TPY. The term ''major stationary source of VOC,'' COMAR 26.11.19.01B(4), is defined as any stationary source with the potential to emit: (a) 25 TPY of VOC or more in the City of Baltimore and Anne Arundel, Baltimore, Carroll, Cecil, Harford, and Howard Counties, and (b) 50 TPY in the remainder of the State. Approval of the addition of this term to Maryland's SIP was the subject of a separate rulemaking action. (See 60 FR 2018.)

Furthermore, Maryland revised COMAR 26.11.19.02G to require non-CTG generic VOC sources to notify Maryland by August 15, 1993 if they are major sources subject to RACT. Under Maryland's regulation, these sources were required to submit a written RACT proposal and schedule for compliance by November 15, 1993. These sources must comply with RACT, as determined by Maryland, by no later than May 15, 1995. Upon Maryland's approval of a RACT proposal, the regulation requires the State to either amend the source's permit to operate to incorporate the RACT conditions, adopt a regulation that reflects the RACT requirement, or issue an order that includes the RACT requirement. Finally, COMAR 26.11.19.02G states that Maryland will submit all RACT determinations to EPA for approval via the federal rulemaking process for incorporation into the SIP.

Maryland's minor VOC source regulation, COMAR 26.11.06.06, was also submitted as part of Maryland's RACT Fix-ups. (See 58 FR 50307.) This regulation was applicable in the Baltimore and the Maryland portion of the pre-enactment Washington, DC nonattainment areas. This regulation exempted sources which were subject to other VOC regulations, including RACT as established by Maryland pursuant to COMAR 26.11.19.02G.

Maryland amended COMAR 26.11.06.06A (Applicability) to expand the applicability of COMAR 26.11.06.06C-E (VOC-Water Separators, VOC Disposal, and Exceptions) statewide. Additionally, Maryland's

minor source regulation, COMAR 26.11.06.06B (Control of VOC from Installations), was revised to add new requirements for sources located in Cecil County and the counties which were added to the Maryland portion of the Washington, DC nonattainment area, namely Calvert, Charles, and Frederick Counties. Sources in these newly regulated areas, Calvert, Cecil, Charles, and Frederick Counties, are required to reduce their VOC emissions by 85 percent overall. Finally, COMAR 26.11.06.06A was revised to exempt sources ''subject to the provisions of'' Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, from the requirements of COMAR 26.11.06.06. Thus, sources subject to COMAR 26.11.19.02G, which have not yet had a RACT determination approved by Maryland, are not subject to any VOC emission standard.

EPA's Evaluation: Through revisions made to Maryland general VOC regulation, COMAR 26.11.06.06, its geographic applicability was expanded, resulting in the regulation of sources which were previously not regulated. However, other specific amendments to COMAR 26.11.06.06, found at 26.11.06.06A, narrowed the applicability of COMAR 26.11.06.06B such that certain sources in Maryland's pre-enactment nonattainment areas that were previously subject to COMAR 26.11.06.06B are no longer covered by any enforceable emissions limit until such time as Maryland approves RACT standards for them pursuant to the requirements its generic major VOC RACT regulation, COMAR 26.11.19.02G. This results in a lapse of coverage for previously regulated non-CTG generic sources major VOC sources in the State of Maryland.

Maryland's generic major source VOC RACT regulation, COMAR 26.11.19.02G, requires all case-by-case, category-specific or source-specific RACT requirements to be submitted as SIP revisions to EPA. It does not, itself, contain enforceable RACT standards for these major non-CTG VOC sources. Because COMAR 26.11.19.02G does not, in and of itself, fully satisfy the Act's requirements requiring for RACT on all major VOC sources, it is not unconditionally approvable. The Act's major source RACT requirements will be fully satisfied only when Maryland determines and imposes actual RACT standards on the generic sources and submits those RACT determinations to EPA as SIP revisions.

EPA has evaluated Maryland's generic major source VOC RACT regulation and its minor VOC source regulations for consistency with the Act and EPA regulations, and has found that they do not fully comply with the Act's major source RACT requirements.

However, in a letter dated February 7, 1996, Maryland affirmed that it will submit all RACT determinations for major sources of VOC in the state, and will provide a written statement to EPA that, to the best of its knowledge, there are no other sources subject to the RACT requirement.

Therefore, EPA is proposing approval of this SIP revision on the condition that the Maryland Department of the Environment certifies that it has determined and imposed RACT for the major VOC sources covered by COMAR 26.11.19.02G, and has submitted those enforceable and approvable RACT determinations to EPA as SIP revisions. If the State fails to do so, that final conditional approval will convert to a disapproval using the mechanism described below.

Proposed Action: Pursuant to section 110(k)(4) of the Act, EPA is proposing to approve, conditionally, the addition of and subsequent revisions to COMAR 26.11.19.02G and the revisions to COMAR 26.11.06.06A and B submitted by the State of Maryland on April 5, 1991 and June 8, 1993. In order to receive a full approval for meeting the non-CTG RACT requirement, the Maryland Department of the Environment must certify that it has determined and imposed approvable RACT standards for its major non-CTG VOC sources, pursuant to COMAR 26.11.19.02G, and submitted those approvable RACT rules to EPA as SIP revisions. If the State submits the case-by-case RACT rules, the conditional approval will remain in place until such time as EPA takes final action approving or disapproving the case-by-case SIP revisions. When EPA determines that Maryland has submitted approvable case-by-case RACT determinations for its non-CTG major VOC sources, EPA will convert the conditional approval to a full approval. A document will be published in the Federal Register announcing that the SIP revision has been fully approved. If Maryland fails to submit approvable rules, the EPA Regional Administrator will make a finding, by letter, that the conditional approval is converted to a disapproval and the clock for imposition of sanctions under section 179(a) of the Act will start as of the date of the letter. Subsequently, a document will be published in the Federal Register announcing that the SIP revision has been disapproved.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Conditional approvals of SIP submittals under section 110 and subchapter I, part D of the Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

If the conditional approval is converted to a disapproval under section 110(k), based on the State's failure to meet the commitment, it will not affect any existing state requirements applicable to small entities. Federal disapproval of the state submittal does not affect its state-enforceability. Moreover, EPA's disapproval of the submittal does not impose a new Federal requirement. Therefore, EPA certifies that this disapproval action does not have a significant impact on a substantial number of small entities because it does not remove existing requirements nor does it substitute a new federal requirement.

Under section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of $100 million or more. Under section 205, EPA the most cost-effective and least

burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the conditional approval action proposed does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action proposes to conditionally approve pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

This action has been classified as a Table 3 action under the SIP processing guidelines of the July 10, 1995 memorandum from the Assistant Administrator for Air and Radiation. Table 3 actions are delegated for Regional Administrator decision and signoff. The OMB has exempted this regulatory action from E.O. 12866 review.

The Regional Administrator's decision to approve or disapprove this SIP revision, pertaining to Maryland's major source VOC RACT and minor VOC source requirements, will be based on whether it meets the requirements of section 110(a)(2)(A)-(K), and Part D of the Clean Air Act, as amended, and EPA regulations in 40 CFR Part 51.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: February 16, 1996.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 96–4832 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5433–2]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Kummer Sanitary Landfill from the National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA and the State of Minnesota. Both Agencies have determined that no further Federal response under CERCLA is appropriate. Any necessary future response actions will be undertaken by the State under the Minnesota Landfill Law enacted in 1994.

DATES: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before April 1, 1996.

ADDRESSES: Comments may be mailed to Terry Roundtree (SR–6J), Remedial Project Manager or Gladys Beard (SR–6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: The Bemidji City Library, 6th and Beltrami, Bemidji, MN 56601. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H–7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–5821.

FOR FURTHER INFORMATION CONTACT: Gladys Beard (SR–6J), Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886–7253 or Cheryl Allen (P–19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353–6196.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Kummer Sanitary Landfill Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that may present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund) or by responsible parties. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or

(iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The Kummer Landfill Sanitary is located in Northern Township, Beltrami County, Minnesota and borders the city of Bemidji. The Northern township has an estimated population of 3,997 in 1993 and contains a large mobile home park which is located east and southeast of the Site. The Kummer Landfill waste occupies approximately 23 acres in the southern portion of the township and is about 750 feet from the nearest residence. The landfill is situated above a shallow surficial sand aquifer which serves as a primary source of drinking water for the area.

In June 1984, the Site was placed on the National Priorities List (NPL), Federal Register 51 page 21071.

On September 29, 1984, the U. S. EPA and MPCA executed a Cooperative Agreement for implementing a Remedial Investigation/Feasibility Study (RI/FS). Following the discovery of ground water contamination, a Determination of Emergency was issued by the MPCA on July 17, 1984. This permitted the expenditure of State Superfund money for a temporary water supply for affected residents. The Minnesota Department of Health (MDH) and MPCA delineated a three and one-half block area east of the landfill as a well advisory area. On August 28, 1994, the MPCA authorized the expenditure of State Superfund money for a focused FS on a water system for the advisory area. Eighty-one property owners received letters from MDH on August 29, 1984, which notified them that they should discontinue the use of their private wells for drinking and cooking purposes.

Because of the complexity of work at the Kummer Sanitary Landfill, the activities at the site have been divided into three operable units, which are:

Operable Unit 1. Northern Township Municipal Water System
Operable Unit 2. Source Control of contaminants emanating from the landfill
Operable Unit 3. Management of the contaminated ground water

On June 12, 1985, a Record of Decision (ROD) for Operable Unit 1 was signed which selected an alternative water supply as the remedial action. The selected remedy provided for an extension of the existing public water supply from the city of Bemidji. Construction of the water system began in June 1987, and was completed in the summer of 1990. A total of 198 connections to individual homes, businesses, and a mobile home park were completed in operable unit one.

Due to the complexity of the site, the RI investigation was completed in phases. The Final RI Report was approved in May 1990. The Source Control Operable Unit (Operable Unit 2) FS was completed in September 1988. On September 30, 1988, a second ROD was signed which selected a cover system for the landfill as the remedial action for Operable Unit 2. The selected remedy included a low permeability cap, site deed restrictions, fencing and long-term operation and maintenance to provide inspections and repairs to the cap. The Construction of the cap was completed in October 1991.

The Ground Water Operable unit (Operable Unit 3) RI/FS was completed in July, 1990. Three ground water monitoring programs were completed, and eight rounds of data were collected. The results revealed that VOCs were being introduced into the shallow ground water by the landfill. However, ground water monitoring has shown that the plume does not extend to Lake Bemidji.

On September 29, 1990, a third ROD was signed which selected a remedy that included ground water extraction for an estimated period of 30 years, during which the system's performance would be carefully monitored on a regular basis and adjusted as warranted by the performance data collected during operation.

On November 21, 1995, a ROD Amendment was signed concerning the ground water Operable unit (OU3). The remedy selected was bioremediation which provides no exposure of contaminated ground water to potential receptors. The major components of the amended remedy for OU3 include:

- Installation of a pilot scale field demonstration to determine the feasibility of insitu biodegradation of the chemicals of concern;
- Installation of a full scale insitu bioremediation system after one year of operation of the pilot scale field demonstration if necessary to meet the Maximum Contaminant Level (MCL) for chemicals of concern located in ground water;
- Long term monitoring of ground water to verify that the concentrations of the chemicals of concern are continuing to decline and to measure performance of the pilot scale field demonstration and or full scale insitu bioremediation system;
- Continued observance of the Minnesota Health Department Well Advisory which regulates the location of future potable wells near the Site;
- Institutional Controls in the form of Site access restrictions that protect the remedy; and operation and maintenance of the remedy, including periodic inspection of the Site.

The public accepted the remedy in the 1990 OU3 ROD. A public information meeting was held by the State of Minnesota on June 5, 1995, in Northern Township to inform interested parties on the amend remedy and the State 's desire to amend the 1990 ROD. There were no strong comments against the change in the remedy.

In 1994, the Legislature of the State of Minnesota enacted the Landfill Cleanup Law, Minn. Laws 1994, ch. 639, codified at Minn. Stat. § § 115B.39 to 115B.46 (the Act), authorizing the Commissioner of the Minnesota Pollution Control Agency (MPCA) to assume responsibility for future environmental response actions at qualified landfills that have received notices of compliance from the Commissioner of MPCA. Additionally, the Act established funds to enable the MPCA to perform all necessary response, operation and maintenance at such landfills. At sites where no responsible parties are conducting response actions under CERCLA, MPCA is responsible for issuing a notice of compliance, after it determines that all work that could be expected under a state order or under state closure requirements has been completed.

A notice of compliance was issued by MPCA for the Kummer Sanitary Landfill Site on November 7, 1995. MPCA has since assumed all responsibility for the Kummer Landfill under the Act. Therefore, no further response actions

under CERCLA are appropriate at this time. Consequently, U.S EPA proposed to delete the site from the NPL.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Kummer Sanitary Landfill Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Dated: February 20, 1996.

Valdas V. Adamkus,

Regional Administrator, U.S. EPA, Region V.

[FR Doc. 96–4830 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 96–19; RM–8744]

Television Broadcasting Services; Geneseo, NY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Renard Communications Corp. seeking the allotment of UHF TV Channel 39– to Geneseo, NY, as the community's first local television transmission service. Channel 39– can be allotted to Geneseo in compliance with the Commission's minimum distance separation requirements with a site restriction of 21.4 kilometers (13.3 miles) east, at coordinates 42–46–10 North Latitude and 77–33–21 West Longitude, to avoid a short-spacing to TV Channel 39+ at Kitchener, Ontario. Canadian concurrence is required since Geneseo is located within 400 kilometers (250 miles) of the U.S.-Canadian border. This proposed allotment is not affected by the Commission's freeze on new allotments in certain metropolitan areas.

DATES: Comments must be filed on or before April 12, 1996, and reply comments on or before April 29, 1996.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Craig L. Fox, President, Renard Communications Corp. 4853 Manor Hill Drive, Syracuse, New York 13215–1336 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 96–19, adopted February 6, 1996, and released February 20, 1996. 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, International Transcription Services, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

John A Karousos,

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

[FR Doc. 96–4787 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Ohlone Tiger Beetle as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the Ohlone tiger beetle (*Cicindela ohlone*) as endangered pursuant to the Endangered Species Act (Act) of 1973, as amended. The Ohlone tiger beetle was discovered in 1990 and is currently known only from Santa Cruz County, California. The five known populations may be threatened by the following factors: habitat fragmentation and destruction due to urban development, habitat degradation due to invasion of non-native vegetation, and vulnerability to stochastic local extirpations. However, the Service finds that the information presented in the petition, in addition to information in the Service's files, does not provide conclusive data on biological vulnerability and threats to the species and/or its habitat. Available information does not confirm that the species is limited to a specific habitat type. After review of all available scientific and commercial information, the Service determines that listing is not warranted for the Ohlone tiger beetle at this time.

DATES: The finding announced in this document was made on November 9, 1995. Comments and information concerning this finding may be submitted until further notice.

ADDRESSES: Data, information, comments or questions concerning this petition finding may be submitted to the Field Supervisor, Ventura Field Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. The petition, finding, supporting data and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Carl Benz, Assistant Field Supervisor, Listing and Recovery (See **ADDRESSES** section) at 805/644–1766.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific and commercial information, the Service make a finding within 12 months of the date of receipt of the petition whether the petitioned action is (a) not warranted, (b) warranted, or (3) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the Federal Register.

On February 18, 1993, the Service received a petition from Randall Morgan of Soquel, California requesting that the Service add the Ohlone tiger beetle (*Cicindela ohlone*) to the list of threatened and endangered species pursuant to the Act. The petition specified endangered status because of

the beetle's limited distribution, specialized habitat requirements, and threats from proposed residential developments and other habitat disturbances. A 90-day finding was made by the Service that the petition presented substantial information indicating that the requested action may be warranted. The 90-day finding was announced in the Federal Register on January 27, 1994 (59 FR 3830). A status review was initiated.

The Service has reviewed the petition, the literature cited in the petition, other available literature and information, and consulted with biologists and researchers familiar with tiger beetles. On the basis of the best available scientific and commercial information, the Service finds that listing the Ohlone tiger beetle (*Cicindela ohlone*) as endangered is not warranted.

The Ohlone tiger beetle is a member of the Coleopteran family Cicindelidae (tiger beetles), which includes more than 2,000 species worldwide and more than 100 species in the United States (Pearson and Cassola 1992). Tiger beetles are crepuscular, predatory insects that prey on small arthropods. Tiger beetle species occur in many different habitats including riparian habitats, beaches, dunes, woodlands, grasslands, and other open areas (Pearson 1988, Knisley and Hill 1992). A common habitat component appears to be open sunny areas that are used by tiger beetles for hunting and thermoregulation (Knisley *et al.* 1990, Knisley and Hill 1992). Individual species are generally highly habitat specific because of larval sensitivity to soil moisture, composition, and temperature (Pearson 1988, Pearson and Cassola 1992, Kaulbars and Freitag 1993).

The Ohlone tiger beetle was first described in 1993 from specimens collected near Soquel, Santa Cruz County, California in 1990. Currently, five populations have been found and both male and female specimens have been collected. The larvae of the Ohlone tiger beetle have yet to be seen or collected, but are presumed to be similar to other tiger beetle species. Collection of Ohlone tiger beetles has occurred only in Santa Cruz County, where populations are known only from coastal terraces supporting remnant patches of native grassland habitat on clay and sandy clay soils.

Two principal features distinguishing the Ohlone tiger beetle from other species of tiger beetles are its early seasonal adult activity period, and its disjunct distribution. While other tiger beetle species, such as *Cicindela purpurea*, are active during spring, summer, or early fall (Nagano 1980, Freitag *et al.* 1993), the Ohlone tiger beetle is active from late January to early April (Freitag *et al.* 1993). The Ohlone tiger beetle is also the southernmost member of its related group of tiger beetles (Freitag *et al.* 1993). These unusual characteristics may, in part account for the lack of historical collections of the species. Collectors would not expect to find tiger beetles during late winter or in the Santa Cruz area. However, because *Cicindela* is a very popular insect genus to collect (C. Nagano, U.S. Fish and Wildlife Service, pers. comm. 1993), and because entomologists commonly collect out of season and out of known ranges in order to find temporally and spatially outlying specimens, one would expect more specimens to have been collected if the Ohlone tiger beetle were more widespread and common. A limited, localized occurrence of the species may also help explain why the Ohlone tiger beetle was not discovered until 1990.

Currently, the known adult Ohlone tiger beetle habitat is characterized by open native grassland, with California oatgrass (*Danthonia californica*) and purple needlegrass (*Stipa pulchra*), on level or nearly level slopes. Substrate is shallow, pale, poorly drained clay or sandy clay soil that bakes to a hard crust by summer, after winter and spring rains cease (Freitag *et al.* 1993). Habitat for oviposition by females and subsequent larval development is unknown.

The historic range of the Ohlone tiger beetle cannot be precisely assessed because the species was only recently discovered, and no historic specimens or records are available. The earliest specimen recorded was collected from a site northwest of Santa Cruz in 1987 (Freitag *et al.* 1993). Based on available information on topography, substrates, soils, and vegetation, potential suitable habitat for the Ohlone tiger beetle may have been more extensive and continuous than at present. If, indeed, the beetle is restricted to coastal terraces of clay or sandy clay soils, then based on soil maps, it may once have extended from southwestern San Mateo County to northwestern Monterey County, California (Freitag *et al.* 1993). Much of this habitat has been destroyed, degraded, and fragmented by urban development and invasion of non-native vegetation. Currently, the extent of habitat that is potentially suitable for the Ohlone tiger beetle is estimated at 200 to 300 acres in Santa Cruz County, California (Freitag *et al.* 1993). However, restriction of the species to these habitat parameters has not been demonstrated and the occurrence of the Ohlone tiger beetle beyond this range is not known. Barry Knisley (entomologist, Randolph-Macon College, pers. comm. 1995) suggests that soil type, rather than plant community, may define the range and emphasized the need for additional field work to verify soil relationships. Extensive range-wide surveys have not been conducted.

The five known populations face threats from habitat fragmentation and destruction due to urban development, habitat degradation due to invasion of non-native vegetation, and vulnerability to stochastic local extirpations. Collection, pesticides, and recreational use of habitat are recognized as potential threats. However, the Service concludes that life history information and survey data are currently inadequate to conclusively determine that the Ohlone tiger beetle is restricted to the described habitat. Listing the species as either endangered or threatened is not warranted at this time because sufficient information is not available indicating that the species is clearly in danger of extinction or expected to become so in the foreseeable future. The Ohlone tiger beetle is a species of concern to the Service and additional information regarding the status, range, and habitat of adult and larval forms will continue to be solicited.

If additional data become available in the future, the Service may reassess the candidate status and listing priority for this species or the need for listing.

References Cited

Freitag, R., D.H. Kavanaugh and R. Morgan. 1993. A new species of *Cicindela* (*Cicindela*) (Coleoptera: Carabidae: Cicindelini) from remnant native grassland in Santa Cruz County, California. The Coleopterists Bulletin 47:113–120.

Kaulbars, M.M. and R. Freitag. 1993. Geographical variation, classification, reconstructed phylogeny, and geographical history of the *Cicindela sexguttata* group (Coleoptera: Cicindelidae). The Canadian Entomologist 125:267–316.

Knisley, C.B. and J.M. Hill. 1992. Effects of habitat change from ecological succession and human impacts on tiger beetles. Virginia Journal of Science 43:133–142.

Knisley, C.B., T.D. Schultz and T.H. Hasewinkel. 1990. Seasonal activity and thermoregulatory behavior of *Cicindela patruela* (Coleoptera: Cicindelidae). Annals of the Entomological Society of America 83:911–915.

Nagano, C.D. 1980. Population status of the tiger beetles of the genus *Cicindela* (Coleoptera: Cicindelidae) inhabiting the marine shoreline of southern California. Atala 8:33–42.

Pearson, D.L. 1988. Biology of Tiger Beetles. Annual Review of Entomology 33:123–147.

Pearson, D.L. and F. Cassola. 1992. World-wide species richness patterns of tiger beetles (Coleoptera: Cicindelidae): indicator taxon for biodiversity and conservation studies. Conservation Biology 6:376–391.

Author: The primary author of this notice is Carl Benz, Ventura Field Office (see **ADDRESSES** section) (telephone 805/644–1766).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: November 9, 1995.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

[FR Doc. 96–4802 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Fisher in the Western United States as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the fisher (*Martes pennanti*) in the western United States as threatened under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that the two fisher populations in the western United States requested to be listed constitute distinct vertebrate population segments. Therefore, the Service makes a negative finding on this petition.

DATES: The finding announced in this document was made on November 22, 1995.

ADDRESSES: Data, information, comments or questions concerning this petition should be submitted to the Western Washington Office, U.S. Fish and Wildlife Service, 3704 Griffin Lane S.E., Suite 102, Olympia, Washington 98501. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David C. Frederick, Supervisor (see **ADDRESSES** above), at (360) 753–9440.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 et seq.), requires that the Service make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the Federal Register. If the finding is that substantial information was presented, the Service also is required to commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

On December 29, 1994, a petition to list the fisher (*Martes pennanti*) in the western United States was received by the Service. The petition, dated December 22, 1994, was submitted by D.C. ''Jasper'' Carlton, Director for the Biodiversity Legal Foundation, Boulder, Colorado. The petition requested listing of two fisher populations in the western United States (Washington, Oregon, California, Idaho, Montana and Wyoming) as threatened species. The petition stated that two fisher populations from the Pacific Coast and northern Rocky Mountain areas of the western United States are vulnerable to extirpation due to habitat loss and fragmentation of late-successional and old-growth forests from road construction and logging, threats from direct and incidental trapping, and the effects of small population size.

After a review of the above information, and based on the best scientific and commercial information available, the Service finds the petition does not present substantial information indicating that listing two western United States fisher populations may be warranted.

Historically, fishers ranged from northern British Columbia, Canada, into central California in the Pacific region, and into Idaho, Montana and Wyoming in the Rocky Mountains. In the central United States, fishers may have been distributed as far south as southern Illinois, and in the eastern states, fishers occurred as far south as North Carolina and Tennessee in the Appalachian Mountains (Powell and Zielinski 1994). During the late 1800s and early 1900s, fishers were extirpated over much of their range in both the United States and Canada. Overtrapping and logging are believed to have been the primary cause of that decline (Powell and Zielinski 1994).

Fishers today occur across the Canadian provinces (Banci 1989). In the Pacific States, fishers still occur in the Cascade Range and Okanogan Highlands of Washington State, and are probably still present in the Olympic Mountains (Aubry and Houston 1992). The status of the fisher in Washington is believed to be ''very rare'' although distribution patterns between 1955–1979 and 1980–1991 were similar (Aubry and Houston 1992). Little is known of the status in Oregon, although sightings are extremely rare. Powell and Zielinski (1994) report that fishers have recently been detected by remote camera just west of the Cascade Crest in southern Oregon. In California, the fishers in the Sierra Nevada appear to be isolated from the animals in the northwestern part of the state (Powell and Zielinski 1994). Though the Sierran fishers may be doing well (Powell and Zielinski 1994), California Fish and Game biologists have expressed concern over their long term viability (pers. comm. in Gibilisco 1994). Fishers in northwestern California have apparently remained stable since early in this century, and several researchers suggest this population may have the highest abundance of all the populations in the western United States (Powell and Zielinski 1994) and it may increase in the near future (Gibilisco 1994).

In the Rocky Mountains, fishers occur in central Idaho and northwestern Montana; successful reintroductions have occurred in both states (Gibilisco 1994). Although some reintroductions have been unsuccessful (Powell and Zielinski 1994, Roy 1991), fisher populations in the Rocky Mountains may be more stable than those in the Pacific States (Powell and Zielinski 1994). Fishers are occasionally sighted in Wyoming, but have always been rare (Biodiversity Legal Foundation 1994). Fisher populations have increased in

many areas in the eastern United States since trapping seasons were closed in the 1930s and 1940s over much of the species range, in combination with several successful reintroduction efforts in the eastern and central states. In Canada, fisher are relatively abundant in the eastern provinces; however, in British Columbia (i.e., western Canada), populations are low, and the trapping season has recently been closed (Province of British Columbia, undated).

Under the Act, the Service may list a species that is in danger of extinction (endangered), or likely to become an endangered species within the foreseeable future (threatened) throughout all or a significant portion of its range. The term ''species'' is defined under the Act to include ''subspecies * * * and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature'' (16 U.S.C. 1532 (16)). The Act's legislative history indicates a Congressional intent that populations be listed only ''sparingly'' (Senate Report 151, 96th Congress, 1st Session). On December 21, 1994, the Service and the National Marine Fisheries Service jointly published a draft policy regarding distinct vertebrate population segments (59 FR 65884). In determining whether groups of vertebrate fish or wildlife are distinct population segments, the Service has, consistent with the draft policy, considered whether (1) the population is discrete, and (2) the population is significant to the species as a whole.

The petition requested listing the fisher in the western United States and its two populations: The Pacific Coast and Rocky Mountain populations. The petition claimed that ''fisher in the Pacific Coast and Rocky Mountain states are geographically separate and distinct from each other * * * and from remaining fisher populations to the east in the remainder of the contiguous United States.'' In 1991, the Service viewed the Pacific fisher as ''probably genetically, though not morphometrically distinct from the Rocky Mountain form'' (56 FR 1159).

The best scientific evidence available today indicates that the range of the fisher is contiguous across Canada, with peninsular extensions projecting southward into the United States in the Pacific States, Rocky Mountains, and the central and eastern United States. No evidence was provided by the petitioner to demonstrate that any physical, physiological, ecological, or behavioral factors separate fishers in the western United States from the fishers in the remainder of the species' distribution. Powell and Zielinski (1994) state that the contiguous range of fishers across North America allows free interchange of genes. The petition states that the unsuitable habitat of the Great Plains separates fishers in the western United States from mid-west and northeastern United States populations. However, the continuity of the fisher's range through Canada, and between Canada and the United States, provides for genetic exchange throughout North America.

In the past, the Service questioned whether the Pacific subspecies of the fisher (*Martes pennanti pacifica*) was a distinct subspecies and designated it as a category 2 candidate species for which there was not sufficient information on biological vulnerability and threats to justify a proposed listing. The designation of Category 2 species as candidates has resulted in confusion about the listing status of these taxa. To reduce that confusion, the designation of Category 2 species has been discontinued by the Service. The Service now regards these species as species of concern but not as candidates for listing.

Furthermore, the taxonomic distinctness of fisher subspecies including the Pacific fisher is questionable. Recent literature cited in the petition (Heinemeyer and Jones 1994, Powell and Zielinski 1994) refutes the distinctness of the putative subspecies. Powell and Zielinski (1994) state that ''[t]he continuous range of the fisher across North America, allowing free interchange of genes, is consistent with a lack of valid subspecies.'' The petition does not address the Pacific Coast fishers as a separate subspecies and does not provide new information to support listing those animals either as a subspecies as a distinct population under the Act.

The petition further argues that the Pacific Coast and Rocky Mountain groups of fishers warrant listing based on the Service's precedent with other populations, comparing these groups of fishers with other listed populations such as the woodland caribou (*Rangifer tarandus caribou*), grizzly bear (*Ursus arctos*), bald eagle (*Haliaeetus leucocephalus*) and gray wolf (*Canis lupus*). The petition correctly states that these populations were listed in the lower 48 states despite the fact that the species occur more commonly in Canada and/or Alaska. The Service has listed populations that are delimited by international boundaries within which significant differences in control of exploitation, management of habitat, conservation status or regulatory mechanisms exist. However, in most instances, including those referenced, the population warranted listing throughout the entire range of the species within the conterminous United States. The ''United States population'' was not broken down into subpopulations. As was stated in the petition finding for the North Cascades lynx (*Felis lynx canadensis*) (58 FR 36924), '' '[d]istinct population segments' listed as endangered or threatened species typically consist of: (1) Populations that are reproductively isolated from other members of the species, or (2) the entire United States population of the species.'' The Service is not required to make a decision based solely on the existence of an international boundary through the range of a species. Service policy has allowed for the flexibility to delimit international boundary populations if that listing is in the best interest of the species. In the case of the fisher, the petition did not provide sufficient information concerning the control of exploitation, management of habitat, conservation status or regulatory mechanisms in Canada to allow the Service to make a determination of the appropriateness of delimiting the western United States population of the fisher based on the international boundary between Canada and the United States.

In summary, the Service finds that the petition does not present substantial information indicating that the fishers in the Pacific Coast and Rocky Mountain areas of the western United States are distinct vertebrate population segments listable under the Act. However, because available information indicates fishers have experienced declines in the past, and may be vulnerable to the removal and fragmentation of mature/old-growth habitat and incidental trapping pressure, the Service will continue to treat the entire fisher species (*Martes pennanti*) as a species of concern. Moreover, the Service will continue to accept information on the status and threats to the fisher.

References Cited

Aubry, K. B., and D. B. Houston. 1992. Distribution and status of the fisher (*Martes pennanti*) in Washington. Northwestern Naturalist 73: 69–79.

Banci, V. 1989. A fisher management strategy for British Columbia. Wildlife Bulletin No. B–63.

Powell, R. A. and W. J. Zielinski. 1994. Fisher. *In:* Ruggiero, L. F., K. B. Aubry, S. W. Buskirk, L. J. Lyon, and W. J. Zielinski, eds.; The Scientific Basis for Conserving Forest Carnivores in the Western United States: American Marten, Fisher, Lynx, and Wolverine. USDA Forest Service, General Technical Report RM–254; pp 38–73.

Author: The primary author of this document is Leslie Propp, Western Washington Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: November 22, 1995.

John G. Rogers,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 96–4803 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 12-Month Finding for a Petition To List the Amargosa Toad (Bufo nelsoni) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the Amargosa toad (*Bufo nelsoni*) as an endangered species under the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information concerning the status of the species, the Service finds that listing of the Amargosa toad is not warranted.

DATES: The finding announced in this document was made on November 9, 1995.

ADDRESSES: Data, information, comments, or questions concerning this notice should be submitted to the State Supervisor, U.S. Fish and Wildlife Service, Nevada State Office, 4600 Kietzke Lane, Building C–125, Reno, Nevada 89502. The petition, findings, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Donna Withers, Staff Biologist, at the above address, or telephone (702) 784–5227.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the Federal Register.

On September 21, 1994, the Service received a petition dated September 19, 1994, to emergency list the Amargosa toad (*Bufo nelsoni*) as an endangered species. The Service's finding that substantial information existed indicating the petitioned action may be warranted was published in the Federal Register on March 17, 1995 (60 FR 15280). A status review was initiated at that time.

The Amargosa toad has been identified as either a category 1 or category 2 species under the Act, since December 30, 1982 (47 FR 58454; 50 FR 37958; 59 FR 58982). The Amargosa toad was a category 1 candidate species with a listing priority of 2 at the time the petition was received by the Service. On July 26, 1995, the Service recommended removal of the Amargosa toad from category 1 candidate status based information obtained during the 1995 status review. The information suggested that the Amargosa toad is more widespread and abundant within the Oasis Valley than previous reports indicated. However, additional information is necessary to adequately determine the status of the species, and conservation efforts have been initiated to remove identified threats.

The Amargosa toad is unique to riparian habitats associated with the Amargosa River, tributary springs of the Amargosa River in Oasis Valley and isolated spring systems near Beatty, Nye County, Nevada. The petition stated that the Amargosa toad was restricted to seven sites within Oasis Valley, and two isolated spring systems, and that these sites are impacted by livestock and feral burro grazing, water diversion, flood control activities, off-road vehicle use, and nonnative species introductions. The petition stated that the Amargosa toad had declined from thousands in 1958 to only 30 individuals in 1994.

Amargosa toads were first collected in 1891 from an unidentified location in Oasis Valley (Stejneger 1893). Between 1931 and 1981, Amargosa toads were observed at only three sites within Oasis Valley and at one isolated spring system, despite intensive searches (Linsdale 1940, Savage 1959, Altig 1981, Altig and Dodd 1987). Thousands of Amargosa toads were observed in June 1958 (Savage 1959). The Amargosa toad was considered severely restricted in distribution and threatened by habitat destruction by 1981 (Altig 1981).

During a 1983 survey, Amargosa toads were observed at 11 sites within Oasis Valley and two isolated spring systems, and assumed present at 14 additional sites, based on statements from area residents and suitability of habitat, even though toads were not observed (Maciolek 1983a, 1983b). Amargosa toad, though restricted to the Oasis Valley and vicinity, was considered well distributed and abundant in 1983 (Maciolek 1983b).

Amargosa toad surveys have been conducted at 20 sites since 1990, but not all sites were visited during each survey or with equal frequency (Hoff 1993, 1994a, 1994b; Clemmer 1995; Heinrich 1995). Available data from the sites surveyed since 1990 suggests that Amargosa toads have been extirpated from one spring and are not as abundant as in previous years at four other springs (Savage 1959; Altig 1981; Maciolek 1983a, 1983b; Hoff 1993; Hoff 1994a, 1994b; Clemmer 1995; Heinrich 1995). At the other 15 sites, however, observations of Amargosa toad adults, juveniles, tadpoles, and eggs have fluctuated but remained relatively constant, and the occurrence of eggs or tadpoles at sites where no adults were observed implies the presence of adults.

Estimates of the size of the adult population of Amargosa toads during 1993 and 1994 vary from 30 toads for each year to 130 and 85 toads for the 2 years, respectively (Hoff 1994a, 1994b; Heinrich 1995). Both estimates were based on direct observations of Amargosa toad adults, juveniles, tadpoles, and egg masses at the same ten sites. The disparity between these estimates may be due to the difficulty inherent in adequately surveying for Amargosa toads.

The available information does not support the petitioner's claim that the Amargosa toad population is severely restricted in both abundance and distribution. Comprehensive Amargosa toad status information is unavailable because not all historically identified habitats have been surveyed since 1983. Information from Oasis Valley residents suggests that Amargosa toads still occupy springs on several private properties not surveyed in recent years.

A comprehensive evaluation of the status and distribution of Amargosa toad will only be possible when additional surveys are conducted in potential amphibian habitat with Oasis Valley.

Habitats occupied by Amargosa toads are subject to various natural and human-induced modifications resulting from flooding, flood-control and restoration activities, nonnative species introductions, livestock and feral burro grazing, off-road vehicle use, and release of pollutants (Altig 1981, Maciolek 1983a, Hoff 1994b). The information on the release of pollutants is anecdotal. Voluntary conservation activities have been recently initiated to address these threats to Amargosa toads and their habitats. These activities will provide a sound foundation for appropriate management of Amargosa toad habitats. The petitioner acknowledged the existence of these conservation activities, but questioned their effectiveness. The conservation activities initiated to date have only been in place a short time, and additional time is necessary for the benefits of these actions to be realized.

The Nevada Division of Wildlife (NDOW) and Nevada Natural Heritage Program have conducted status surveys and undertaken conservation activities, including initiation of cooperative agreements with involved agencies and local governments and conservation agreements with private landowners. The Bureau of Land Management (BLM) actively manages the public lands occupied by Amargosa toad for the conservation of the species. BLM has restricted off-road vehicle use in or near Amargosa toad habitat, constructed enclosure fences to eliminate damage to riparian habitats from feral burro and livestock use, proposed all occupied habitats as Areas of Critical Environmental Concern, and initiated a cadastral survey of the Amargosa River in Oasis Valley to establish property boundaries. The Nature Conservancy (TNC) has been working with the Beatty Beautification Committee toward development of a park along the Amargosa River or a pond area which would provide recreational opportunities for the residents, and attract tourists, as well as create or conserve Amargosa toad habitat. TNC is currently negotiating the purchase of two private properties that contain Amargosa toad habitat. The Nye County Department of Public Works has agreed to notify NDOW prior to any activity within the Amargosa River channel to avoid impacts to the Amargosa toad. Owners of two private properties with Amargosa toad habitat on their land have initiated conservation activities.

After reviewing all scientific and commercial information available, the Service has determined that listing the Amargosa toad is not warranted at this time. This decision is based on information contained in the petition, received during the status review, and otherwise available to the Service at the time the 12-month finding was made, which indicates that the Amargosa toad is more widespread and abundant within the Oasis Valley than stated in the petition. In addition, conservation efforts have been initiated to remove identified threats. The Service recognizes the need to monitor the species' status to determine Amargosa toad population trends and measure the effectiveness of the conservation measures.

References Cited

A list of references cited is available from the Nevada State Office (see **ADDRESSES** section above).

Author: The primary author of this document is Donna Withers (see **ADDRESSES** section above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 531 *et seq.*).

Dated: November 9, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 96–4804 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–M

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50 CFR Part 23

Request for Species Amendments and Resolutions for Consideration at the Tenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for information.

SUMMARY: The Fish and Wildlife Service (Service) announces the time and place of the tenth regular meeting of the Conference of the Parties (COP10) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This notice solicits recommendations for amending CITES Appendices I or II and solicits suggestions for resolutions and agenda items for discussion at COP10. The Service invites information and comment from the public on animal or plant species that should be considered as candidates for U.S. proposals to amend Appendices I or II. Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one appendix to another, or the removal of species from Appendix I or II. This notice also invites information and comments from the public on possible resolutions and agenda items for discussion at COP10.

DATES: The Service will consider all information and comments received by April 30, 1996.

ADDRESSES: Correspondence concerning this request pertaining to species amendments should be sent to the Office of Scientific Authority; Room 750; U.S. Fish and Wildlife Service, 4401 North Fairfax Drive; Arlington, Virginia, 22203. Correspondence concerning this request pertaining to resolutions and agenda items should be sent to the Office of Management Authority, Room 420, at the same address. Comments and materials received will be available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, at the Office of Scientific or Management Authority.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall A. Howe, Office of Scientific Authority, phone 703/358–1708, fax 703/358–2276, e-mail marshall__howe@mail.fws.gov; or Dr. Susan S. Lieberman, Office of Management Authority, phone 703/358–2095, fax 703/358–2280, e-mail susan__lieberman@mail.fws.gov.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249, hereinafter referred to as CITES, is an international treaty designed to control and regulate international trade in certain animal and plant species that now or potentially are threatened with extinction. These species are listed in appendices to CITES, copies of which are available from the Office of Management Authority or Office of Scientific Authority at the **ADDRESSES**, above. Currently, 130 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I

and II or resolutions, for consideration by the other Parties.

This is the first in a series of Federal Register notices which, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for the tenth regular meeting of the Conference of the Parties to CITES. The Service's regulations governing this public process are found in Title 50 of the Code of Federal Regulations §§ 23.31–23.39.

Notice of the Tenth Regular Meeting of the Conference of the Parties

The Service hereby notifies the public of the convening of the tenth meeting of the Conference of the Parties (COP10) to be held in Zimbabwe, June 9–20, 1997.

Request for Information and Comments: Species

One of the purposes of this notice is to solicit information that will help the Service identify species that are candidates for addition, removal, or reclassification in the CITES appendices or to identify issues warranting attention by the CITES Nomenclature Committee. This request is not limited to species occurring in the United States. Although U.S. proposals submitted for recent Conferences of the Parties have focused on species native to the United States, any Party may submit proposals concerning wild animal or plant species occurring anywhere in the world. The Service encourages the submission of well-documented proposals formatted according to specifications presented below.

The term ''species'' is defined in CITES as ''any species, subspecies, or geographically separate population thereof.'' Each species for which trade is controlled is included in one of three appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic standards for inclusion of species in the appendices are contained in Article II of CITES. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species that, although not necessarily threatened with extinction, may become so unless trade in them is strictly controlled. Appendix II also lists species that must be subject to regulation in order that trade in those currently and potentially threatened species may be brought under effective control. Such listings frequently are required because of difficulty in distinguishing specimens of currently or potentially threatened species from other species at ports of entry. Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation, and for which it needs the cooperation of other Parties to control trade. The present notice concerns only Appendices I and II.

CITES specifies that international trade in any readily recognizable part or derivative of animals listed in Appendix I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organism. With certain standard exclusions formally approved by the Parties, the same applies to parts and derivatives of most plant species listed in Appendix II. Parts and derivatives usually not included (i.e., not regulated) for Appendix II plants are: seeds, spores, pollen (including pollinia), tissue cultures, and flasked seedling cultures. Also see 50 CFR § 23.23(d) and the October 6, 1995 Federal Register (60 FR 52450) for further exceptions and limitations. Further guidance on criteria for adding or deleting species in the appendices is contained in several CITES resolutions available from the Office of Scientific Authority (see **ADDRESSES** section).

Until the ninth meeting of the Conference of the Parties in 1994, resolutions Conf. 1.1 and 1.2 had provided the primary criteria for proposing amendments to Appendices I and II. With the adoption of resolution Conf. 9.24, new listing criteria were established by the Parties and Conf. 1.1, 1.2, and ten other related resolutions were repealed. These new criteria apply to all future proposals and are available from the CITES Secretariat or upon written request to the Office of Scientific Authority. Conf. 9.24 establishes a new format for proposals, replacing that described in Conf. 2.17. The new format includes the following categories:

A. Proposal
B. Proponent (Party country)
C. Supporting statement
1. Taxonomy
1.1 Class.
1.2 Order.
1.3 Family.
1.4 Genus, species or subspecies including author(s) and year and taxonomic reference, if other than that adopted by the Conference of the Parties.
1.5 Scientific synonyms.
1.6 Common names.
1.7 Code numbers, when applicable, from CITES Identification Manual.
2. Biological Parameters
2.1 Distribution.
2.2 Habitat availability.
2.3 Population status.
2.4 Population trends.
2.5 Geographic trends.
2.6 Role of the species in its ecosystems.
2.7 Threats.
3. Utilization and Trade
3.1 National utilization.
3.2 Legal international trade.
3.3 Illegal trade.
3.4 Actual or potential trade impacts.
3.5 Captive breeding or artificial propagation for commercial purposes (outside country of origin).
4. Conservation and Management
4.1 Legal status.
4.1.1 National.
4.1.2 International.
4.2. Species management.
4.2.1 Population monitoring.
4.2.2 Habitat conservation.
4.2.3 Management measures.
4.3 Control measures.
4.3.1 International trade.
4.3.2 Domestic measures.
5. Information on similar species
6. Other comments (including consultation with range states)
7. Additional remarks
8. References (published literature and other documents)

Persons wishing to submit proposals for the United States to consider should consult Conf. 9.24 for detailed explanation of each of the above categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must be consistent with the new precautionary measures described in Annex 4 of Conf. 9.24.

Persons having information and comments on species that are potential candidates for CITES proposals are urged to contact the Service's Office of Scientific Authority. Submitted proposals should be as fully developed as possible in accordance with the outline provided above and amplified in Conf. 9.24.

Request for Information and Comments: Resolutions and Agenda Items

Although it has not yet received formal notice of the provisional agenda for COP10, the Service invites input from the public on possible agenda items the United States could recommend for inclusion, or on possible resolutions of the Conference of the Parties that the United States could submit. Copies of the agenda for the last meeting of the Conference of the Parties (COP9) in Florida in 1994 are available from the Office of Management Authority under **ADDRESSES**, above. A

full agenda for COP9 and summaries of all U.S. negotiating positions on those agenda items and resolutions were published in the November 8, 1994 Federal Register (59 FR 55617).

Observers

Article XI, paragraph 7 of CITES provides: Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) international agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and

(b) national nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote. The Service will publish information on how to request approved observer status in a future Federal Register notice.

Future Actions

The next regular meeting of the Conference of the Parties (COP10) is scheduled for June 9–20, 1997, in Zimbabwe. Any proposals to amend Appendix I or II, or any draft resolutions or other documents for discussion at COP10, must be submitted by the United States to the CITES Secretariat by January 10, 1997 (150 days prior to COP10). In order to accommodate this deadline, the Service plans to publish a Federal Register notice in August 1996 to announce tentative species proposals and draft resolutions to be submitted by the United States and to solicit further information and comments on them. In September, a public meeting will be held to allow for additional public input. All CITES Parties within the geographic ranges of species proposed for amendments to the appendices will be consulted by mid-October 1996 so that final proposals will have the benefit of their input. Another Federal Register notice in February 1997 will announce the Service's final decisions and those species proposals and resolutions submitted by the United States to the CITES Secretariat.

Through a series of additional notices in advance of COP10, the Service will inform the public about preliminary and final negotiating positions on resolutions and amendments to the appendices proposed by other Parties for consideration at COP10, and about how to obtain observer status from the Service. The Service will also publish announcements of public meetings to be held in September 1996 and April 1997 to receive public input on its positions regarding COP10 issues.

Authors: This notice was prepared by Dr. Marshall A. Howe, Office of Scientific Authority, and Dr. Susan S. Lieberman, Office of Management Authority, under the authority of U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, Treaties.

Dated: February 13, 1996.

Bruce Blanchard,

Director.

[FR Doc. 96–4853 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 960221041–6041–01; I.D. 013196A]

RIN 0648–AI34

Pacific Coast Groundfish Fishery; Delay in Start of Regular Fishing Seasons for Nontrawl Sablefish and Pacific Whiting

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS is proposing regulations that would delay the start of the ''regular'' fishing seasons by 1 month or less for the nontrawl sablefish and the Pacific whiting (whiting) limited entry fisheries 3–200 nautical miles off Washington, Oregon, and California (WOC). This proposed rule considers requests from the industry for delayed fishing seasons, which are intended primarily to enable nontrawl sablefish fishers to participate in other fisheries and to enhance the quality of whiting. These actions would be taken under the authority of the Pacific Coast Groundfish Fishery Management Plan (FMP) and the Magnuson Fishery Conservation and Management Act (Magnuson Act).

DATES: Comments must be submitted in writing by March 22, 1996.

ADDRESSES: Comments may be mailed to William Stelle, Jr., Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or Hilda Diaz-Soltero, Director, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213. Information relevant to this proposed rule is available for public review during business hours at the Office of the Director, Northwest Region, NMFS, and at the Office of the Director, Southwest Region, NMFS. Copies of the Environmental Assessment/Regulatory Impact Reviews (EA/RIRs) can be obtained from the Pacific Fishery Management Council (Council), 2000 SW First Avenue, Suite 420, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

SUPPLEMENTARY INFORMATION:

NMFS is proposing to delay the start of the regular fishing seasons for the limited entry fisheries for nontrawl sablefish and for whiting, as recommended by the Council at its October 1995 meeting in Portland, OR. The background and rationale for this proposed rule are summarized below. More details appear in the EA/RIRs for these actions.

Background

I. Nontrawl Sablefish Season

The commercial sablefish harvest guideline (the annual harvest guideline reduced by the amount set aside for coastal treaty Indian tribes) is allocated between the limited entry and open access fisheries. The limited entry allocation has been further divided into allocations for trawl-gear and nontrawl-gear fisheries. Historically, the trawl-gear fishery has been managed with trip limits, the amount of fish that may be harvested during a fishing trip or set time period, primarily to extend the fishery throughout most of the year. The nontrawl-gear fishery, in contrast, has taken most of its allocation in what has become an intense, open competition called the regular or derby season, during which the only trip limit in effect applies to small sablefish (smaller than 22 inches (56 cm) total length in 1995 and in 1996). Before 1995, the start of the WOC regular season was linked to the first nontrawl sablefish season opening in the Gulf of Alaska under 50 CFR part 672. In 1995, the start of the WOC regular season was changed to August 6, primarily for safety reasons (because winds generally are calmer along the coast at this time of year) and to avoid overlapping with other fisheries and fishing opportunities (60

FR 34472, July 3, 1995). The regular season is followed 3–4 weeks later by a mop-up fishery to take the remainder of the nontrawl allocation, except for small amounts to be taken in the daily trip limits before and after the mop-up season.

At its October 1995 meeting, the Council heard testimony that September 1 would be a preferable date for the start of the 1996 regular season, because it would not conflict as much as August 6 with albacore tuna and expected salmon seasons. The weather, on average, coastwide appears to be as stable in September as in August, in keeping with the Council's goal of minimizing weather-related risk during the regular season. However, a later mop-up season may fall at a time when weather is less stable. Because the mop-up season provides a single, cumulative limit for each vessel, and a longer time in which to take the limit compared to the regular season, fishers are more likely to wait out the storms and fish when conditions are safer. Also, in 1996, tides would be slack on September 1 and therefore would provide a smoother, and possibly safer, transit to the grounds for those vessels crossing the bar at the mouth of the Columbia River. Even though the sablefish would be slightly larger if the fishery were delayed 3 weeks, this would have a negligible impact on recruitment. For the most part, this change in the regular season would be made to accommodate participation in alternate fisheries, while conducting the derby when weather is relatively stable.

The closed period that applies before the regular season (to open access and limited entry vessels using fixed gear to take and retain sablefish) would remain in effect, but would be shifted from early August to late August.

The Federal provisions for ending the regular season also remain the same. However, the State of Washington may establish special procedures for vessels that deliver in Puget Sound, because the transit time is longer than for most vessels operating on the coast. Under both the current and proposed regulations, a small trip limit comes into effect at the end of the regular season. Therefore, a vessel must be in port and offloading its sablefish at the time the regular season ends (that is, before the new lower trip limit is effective), which the Council supports for closing the season. Transit time has become a bigger concern as the regular season becomes shorter, only 7 days in 1995. The transit time from the fishing grounds to ports in Puget Sound is substantially longer than the transit time for most vessels operating on the coast. As a result, vessels that normally would have delivered to processors in Puget Sound have had to choose between reducing their fishing time (by leaving the grounds early enough to get to their normal processors in Puget Sound), or delivering to a different processor closer to the fishing grounds. Therefore, the State of Washington is considering establishing special procedures for vessels landing in Puget Sound that would ensure that they were off the sablefish fishing grounds at the end of the regular season but may not require that they be in port offloading. These proposed Federal regulations would acknowledge the State regulation, and allow for vessels landing in Puget Sound to be governed by the Washington regulation.

The Council is considering a number of other management strategies for this fishery in 1997 and beyond, but has not yet made its recommendation to NMFS. The Council may select yet another opening date, or a framework for determining an opening date, if the regular season fishing structure remains in effect in 1997.

II. Pacific Whiting Season

Since 1991, harvest of the whiting resource has been allocated between user groups. Whiting has been allocated between vessels that deliver their catch shoreside and vessels that deliver their catch at sea (which includes catcher processors that both harvest and process their catch, and catcher vessels that deliver to motherships at sea). The shore-based sector has conducted a longer, slower season (extending through the summer and into the fall), whereas the at-sea sector has conducted a more intense, shorter fishery (less than a month in recent years). To satisfy both strategies, both sectors compete for the first 60 percent of the commercial harvest guideline (the annual harvest guideline reduced by the amount set aside for harvest, if any, by coastal treaty Indian tribes). When 60 percent of the commercial harvest guideline is reached, at-sea processing of whiting is prohibited, and the remainder of the commercial harvest guideline is reserved for the shore-based sector. If not projected to be fully used, the surplus reserve may be released on or after August 15. The regular season currently begins on April 15 north of 42° N. lat. (the Oregon/California border) and south of 40° 30′ N. lat. (the southern border of the Eureka statistical subarea), and on March 1 between 42° and 40° 30′ N. lat. At-sea processing is prohibited south of 42° N. lat. Before and after the regular season, a small ''per trip'' limit for whiting (currently 10,000 lb (4,536 kg)) is in effect.

At its October 1995 meeting, the Council recommended that the start of the regular season for whiting north of 42° N. lat. be delayed from April 15 to May 15. This delay was supported by most members of the industry testifying for both the at-sea and shore-based sectors. Some suggested an even later opening, but few preferred the current April 15 date. The 1-month delay was recommended for the following reasons: (1) Whiting spawn in the winter, primarily in January-February. They are emaciated afterwards, taking several months to recover and to produce optimal flesh for processing. Although whiting generally are well on their way to recovery by April 15 north of 42° N. lat., the spawning stock as a whole is in better condition by mid-May. If the amount of whiting available for harvest is relatively low, the quality of the product and the product recovery rate are even more important to maintain the economic viability of the fishery. (2) With a month's delay in harvest, whiting will be slightly larger with an additional month's growth, increasing (in small measure) the yield per fish. (3) At the October Council meeting, some Council members and industry representatives speculated that bycatch rates of salmon and other groundfish species could be reduced with a 1-month delay in the start of the regular season, but the data are not conclusive. The at-sea sector has not operated in late May since 1991, so there is little information for these operations at this time of year. The EA/RIR indicates that the shore-based fleet has consistently shown a trend in decreasing salmon bycatch as the season progresses, at least through June. This could be due to a seasonal effect or to start-up problems that sometimes occur at the beginning of a fishing season. Bycatch of salmon by either sector may be more highly correlated with abundance and availability of salmon, the ability of the skipper, and the incentive to avoid bycatch. The influence of these factors is not readily measurable. The EA/RIR states that delaying the season opening date to May 15 is unlikely to affect rockfish bycatch rates. For the most part, the delay in the season would be made to provide better quality fish for processing.

The allocation of whiting between the shore-based and at-sea sectors will be reconsidered in 1996 for fisheries in 1997 and beyond. The start of the regular season may be reconsidered at the same time, and potentially could differ for each sector.

Classification

The Assistant Administrator for Fisheries, NOAA has initially determined that this action is consistent with the FMP and the national standards and other provisions of the Magnuson Act.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

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, if adopted, would not have a significant economic impact on a substantial number of small entities. This rule, if adopted, would not change the amount of fish caught or retained or the number of vessels participating, and would not confer a competitive advantage to any user group. As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Part 663

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: February 26, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 663 is proposed to be amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

l. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, paragraphs (b)(2)(i)(A), (b)(2)(i)(B), (b)(2)(ii), (b)(2)(iv), and (b)(3)(i) are revised to read as follows:

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) * * *

(i) * * * (A) Sablefish taken with fixed gear in the limited entry or open access fishery in the EEZ may not be retained or landed from 12 noon August 29 through 12 noon September 1.

(B) All fixed gear used to take and retain groundfish must be out of EEZ waters from 12 noon August 29 through 12 noon September 1, except that pot gear used to take and retain groundfish may be deployed and baited in the EEZ after 12 noon on August 31.

(ii) *Regular season—Limited entry fishery*. The regular season for the limited entry nontrawl sablefish fishery begins at 12:01 on September 1. During the regular season, the limited entry nontrawl sablefish fishery may be subject to trip limits to protect juvenile sablefish. The regular season will end when 70 percent of the limited entry nontrawl allocation has been or is projected to be taken. The end of the regular season may be announced in the Federal Register either before or during the regular season.

* * * * *

(iv) The dates and times that the regular season ends (and trip limits on sablefish of all sizes are resumed) and the mop-up season begins and ends, and the size of the trip limit for the mop-up fishery, will be announced in the Federal Register, and may be modified. Unless otherwise announced, these seasons will begin and end at 12 noon on the specified date. A vessel landing sablefish in Puget Sound that was taken under a limited entry permit with nontrawl gear during a regular season is not subject to trip limits on that trip (except the regular season trip limits to protect juvenile sablefish), provided the landing complies with Washington State regulations governing sablefish landings in Puget Sound after the regular season.

* * * * *

(3) Pacific Whiting—(i) *Season*. The regular season for Pacific whiting begins on May 15 north of 42°00′ N. lat., on March 1 between 42°00′ N. lat. and 40°30′ N. lat., and on April 15 south of 40°30′ N. lat. Before and after the regular season, trip landing or frequency limits may be imposed under paragraph (c) of this section.

* * * * *

[FR Doc. 96–4752 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–22–F

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50 CFR Part 675

[I.D. 022396A]

Groundfish of the Gulf of Alaska; Pollock Seasonal Allowances

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

ACTION: Notice of Availability of an amendment to a fishery management plan; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Amendment 45 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands (FMP) for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the Council (See **ADDRESSES**).

DATES: Comments on Amendment 45 should be submitted on or before April 26, 1996.

ADDRESSES: Comments on Amendment 45 should be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK, 99802–1668 Attn: Lori Gravel, or delivered to the Federal Building, 709 West 9th Street, Juneau, AK. Copies of Amendment 45 and the Environmental Assessment/ Regulatory Impact Review prepared for the amendment are available from the North Pacific Fishery Management Council, 605 West Fourth Ave., Anchorage, AK 99501–2252; telephone 907–271–2809.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, upon receiving a fishery management plan or amendment, immediately publish a document that the fishery management plan or amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve the FMP or amendment.

If approved, Amendment 45 would allow NMFS to establish seasonal allowances of pollock total allowable catch (TAC) by regulation. Included with Amendment 45 is a regulatory amendment that would combine the third and fourth quarterly allowances of pollock TAC in the Western and Central Regulatory Areas of the Gulf of Alaska. Under this proposal, the third and fourth quarterly allowances of pollock would be combined into a single seasonal allowance equal to 50 percent of the TAC available on October 1 in the Western Regulatory Area and September 1 in the Central Regulatory Area.

This action is intended to result in four types of management improvements: (1) Reduced chum salmon bycatch, which has been excessively high during the third quarter (July 1) opening; (2) reduced scheduling conflicts with summer salmon processing activities; (3) reduced operating costs for industry through a reduction in the number of seasonal openings from four to three; and (4) reduced risk of harvest overruns during extremely short openings.

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

Dated: February 26, 1996.

Richard W. Surdi,

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

[FR Doc. 96–4748 Filed 2–26–96; 4:53 pm]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 61, No. 42
Friday, March 1, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

California Spotted Owl—Sierra Nevada—Management Direction for National Forests in California

AGENCY: Forest Service, USDA.

ACTION: Notice of change in responsible official from Chief to Regional Forester.

SUMMARY: The USDA, Forest Service is designating the Pacific Southwest Regional Forester as the responsible official for amending the Pacific Southwest Regional Guide and significantly amending 10 National Forest Plans.

ADDRESSES: Send written comments to Janice Gauthier, California Spotted Owl EIS Team Leader, Land Management Planning, 2999 Fulton Avenue, Sacramento, CA 95821.

FOR FURTHER INFORMATION CONTACT: Janice Gauthier, California Spotted Owl EIS Team Leader, Land Management Planning, (916) 979–2026.

SUPPLEMENTARY INFORMATION: On March 18, 1993, a Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS) was published in the Federal Register (Vol. 58, No. 51, 14554–14555).

Dated: February 23, 1996.

Katherine Clement,

Director, Ecosystem Conservation.

[FR Doc. 96–4805 Filed 2–29–96; 8:45 am]

BILLING CODE 3410–11–M

Grain Inspection, Packers and Stockyards Administration

Opportunity for Designation in the Central Iowa (IA) Area and the State of Montana

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: The United States Grain Standards Act, as amended (Act), provides that official agency designations will end not later than triennially and may be renewed. The designations of Central Iowa Grain Inspection Service, Inc. (Central Iowa), and the Montana Department of Agriculture (Montana) will end August 31, 1996, according to the Act, and GIPSA is asking persons interested in providing official services in the Central Iowa and Montana areas to submit an application for designation.

DATES: Applications must be postmarked or sent by telecopier (FAX) on or before March 30, 1996.

ADDRESSES: Applications must be submitted to Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. Telecopier (FAX) users may send applications to the automatic telecopier machine at 202–690–2755, attention: Janet M. Hart. If an application is submitted by telecopier, GIPSA reserves the right to request an original application. All applications will be made available for public inspection at this address located at 1400 Independence Avenue, S.W., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act authorizes GIPSA's Administrator to designate a qualified applicant to provide official services in a specified area after determining that the applicant is better able than any other applicant to provide such official services. GIPSA designated Central Iowa, main office located in Des Moines, Iowa, and Montana, main office located in Great Falls, Montana, to provide official inspection services under the Act on September 1, 1993.

Section 7(g)(1) of the Act provides that designations of official agencies shall end not later than triennially and may be renewed according to the criteria and procedures prescribed in Section 7(f) of the Act. The designations of Central Iowa and Montana end on August 31, 1996.

The geographic area presently assigned to Central Iowa, in the State of Iowa, pursuant to Section 7(f)(2) of the USGSA, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by U.S. Route 30 east to N44; N44 south to E53; E53 east to U.S. Route 30; U.S. Route 30 east to the Boone County line; the western Boone County line north to E18; E18 east to U.S. Route 169; U.S. Route 169 north to the Boone County line; the northern Boone County line; the western Hamilton County line north to U.S. Route 20; U.S. Route 20 east to R38; R38 north to the Hamilton County line; the northern Hamilton County line east to Interstate 35; Interstate 35 northeast to C55; C55 east to S41; S41 north to State Route 3; State Route 3 east to U.S. Route 65; U.S. Route 65 north to C25; C25 east to S56; S56 north to C23; C23 east to T47; T47 south to C33; C33 east to T64; T64 north to B60; B60 east to U.S. Route 218; U.S. Route 218 north to Chickasaw County; the western Chickasaw County line; and the western and northern Howard County lines.

Bounded on the East by the eastern Howard and Chickasaw County lines; the eastern and southern Bremer County lines; V49 south to State Route 297; State Route 297 south to D38; D38 west to State Route 21; State Route 21 south to State Route 8; State Route 8 west to U.S. Route 63; U.S. Route 63 south to Interstate 80; Interstate 80 east to the Poweshiek County line; the eastern Poweshiek, Mahaska, Monroe, and Appanoose County lines;

Bounded on the South by the southern Appanoose, Wayne, Decatur, Ringgold, and Taylor County lines;

Bounded on the West by the western Taylor County line; the southern Montgomery County line west to State Route 48; State Route 48 north to M47; M47 north to the Montgomery County line; the northern Montgomery County line; the western Cass and Audubon County lines; the northern Audubon County line east to U.S. Route 71; U.S. Route 71 north to U.S. Route 30.

The following grain elevators, located outside of the above contiguous geographic area, are part of this geographic area assignment: Farmers Co-op Elevator Company, Chapin, Franklin County; and CENEX Land

O'Lakes, Inc., Rockwell, Cerro Gordo County (located inside D. R. Schaal Agency's area).

Central Iowa's assigned geographic area does not include the following grain elevators inside Central Iowa's area which have been and will continue to be serviced by the following official agencies:

1. A. V. Tischer and Son, Inc.: Farmers Co-op Elevator, Boxholm, Boone County; and

2. Omaha Grain Inspection Service, Inc.: T&K Evans, Elliot, Montgomery County; and Hemphill Feed & Grain, and Hansen Feed & Grain, both in Griswold, Cass County.

The geographic area presently assigned to the State of Montana, pursuant to Section 7(f)(2) of the USGSA, which may be assigned to the applicant selected for designation is the entire State of Montana, except those export port locations within the State which are serviced by FGIS.

Interested persons, including Central Iowa and Montana, are hereby given the opportunity to apply for designation to provide official services in the geographic areas specified above under the provisions of Section 7(f) of the Act and section 800.196(d) of the regulations issued thereunder. Designation in the specified geographic areas is for the period beginning September 1, 1996, and ending August 31, 1999. Persons wishing to apply for designation should contact the Compliance Division at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: February 13, 1996

Neil E. Porter

Director, Compliance Division

[FR Doc. 96–4020 Filed 2–29–96; 8:45 am]

BILLING CODE 3410–EN–F

Inadequate Demand for Official Services in Maine

AGENCY: Grain Inspection, Packers and Stockyards Administration (GIPSA).

ACTION: Notice.

SUMMARY: GIPSA has determined there is inadequate demand for official services to designate an organization to provide official services in the State of Maine after expiration of the current designation.

DATE: The State of Maine's designation ends August 31, 1996.

ADDRESSES: Janet M. Hart, Chief, Review Branch, Compliance Division, GIPSA, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Janet M. Hart, telephone 202–720–8525.

SUPPLEMENTARY INFORMATION:

This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12866 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

GIPSA announces that the designation of the Maine Department of Agriculture, Food and Rural Resources ends on August 31, 1996. As of January 31, 1996, the State of Maine had not performed any official services since 1991. Accordingly, GIPSA determined that, pursuant to the provisions of the Act, there is an inadequate demand for official services to designate an official agency. Therefore, GIPSA is not asking for applications from persons interested in designation as an official agency to provide services in the area currently assigned to Maine. Any persons in Maine who may require official inspection services after August 31, 1996, should contact GIPSA's Baltimore Office at 410–962–3968 (FAX: 410–766–8604).

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: February 13, 1996

Neil E. Porter

Director, Compliance Division

[FR Doc. 96–4019 Filed 2–29–96; 8:45 am]

BILLING CODE 3410–EN–F

Amendment to Certification of Central Filing System—Oklahoma

The Statewide central filing system of Oklahoma has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985, on the basis of information submitted by the Oklahoma Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted by Tom Cole, Secretary of State, for an additional farm product produced in that State as follows:

elk

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.18(e)(3), 2.56(a)(3), 55 FR 22795.

Dated: February 26, 1996.

Harold Davis,

Acting Deputy Administrator, Packers and Stockyards Programs.

[FR Doc. 96–4854 Filed 2–29–96; 8:45 am]

BILLING CODE 3410–KD–P

Proposed Posting of Stockyards

The Grain Inspection, Packers and Stockyards Administration, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in Section 302 of the Packers and Stockyards Act (7 U.S.C. 202), and should be made subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 *et seq.*).

AR–171

Roden's Auction Service, Dequeen, Arkansas

MD–119

Kolb's Sale Barn, Woodsboro, Maryland

NC–169

North Carolina Horse Auction, Goldston, North Carolina

SC–154

Double H Livestock, Pelzer, South Carolina

Pursuant to the authority under Section 302 of the Packers and Stockyards Act, notice is hereby given that it is proposed to designate the stockyards named above as posted stockyards subject to the provisions of said Act.

Any person who wishes to submit written data, views or arguments concerning the proposed designation may do so by filing them with the Director, Livestock Marketing Division, Grain Inspection, Packers and Stockyards Administration, Room 3408–South Building, U. S. Department of Agriculture, Washington, D.C. 20250 by March 9,1996. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director of the Livestock Marketing Division during normal business hours.

Done at Washington, D.C. this 23rd day of February 1996.

Daniel L. Van Ackeren,

Director, Livestock Marketing Division, Packers and Stockyards Programs.

[FR Doc. 96–4855 Filed 2–29–96; 8:45 am]

BILLING CODE 3410–KD–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/18/96–02/20/96

Firm Name	Address	Date petition Accepted	Product
Twang, Inc	800 Buena Vista, Bldg. 2, Ste 200, San Antonio TX 78207.	01/24/96	Salt and lemon confections.
Data Specifics Corporation	2100 E. Moffat Avenue, Springfield IL 62702.	01/30/96	Near-infrared analyzers, radiating & optically collected light, incorporating computer data analysis.
St. Mary's Sewing Industry	501 S. Llano Grande, P.O. Box 157, Edcouch TX 78538.	01/30/96	Women's trousers.
Tifton Textiles, Inc	217 Southwell Boulevard, Tifton GA 31794.	01/30/96	Knit fabric such as jersey, rib, pique, and fleece.
Big Jim Halter Co., DBA Flying Circle Bags.	10045 Johns Road, Boerne TX 78006	01/31/96	Travel, sports, and similar bags.
Littonian Shoe Company	31 Kaystone Street, P.O. Box 95, Littlestown PA 17340.	02/01/96	Infant's and children's shoes and lead-filled protective aprons.
Custom Packaging Systems, Inc	201 Glocheski St., P.O. Box 183, Manistee MI 49660.	02/05/96	Polypropylene and polyethylene bulk bags and liners for packing and transporting liquid & dry goods.
CR Technology, Inc	27752 El Lazo Road, Suite A, Laguna Niguel CA 92656.	02/12/96	Machinery used in electronic manufacturing: X-ray imaging devices.
Magic Novelty Co., Inc	308 Dyckman Street, New York NY 10034-5351.	02/12/96	Imitation Jewelry.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

February 23, 1996.

Lewis R. Podolske,

Director, Trade Adjustment Assistance Division.

[FR Doc. 96–4710 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–24–M

Foreign-Trade Zones Board

[Docket 13–96]

Foreign-Trade Subzone 78A—Nissan Motor Manufacturing Corporation U.S.A. (Motor Vehicles and Components); Expansion of Subzone; Smyrna, TN

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Metropolitan Nashville-Davidson County Port Authority, grantee of FTZ 78, Nashville, Tennessee, requesting authority to expand FTZ Subzone 78A (Nissan Motor Manufacturing Corporation U.S.A. (NMMC) plant, Smyrna, Tennessee), to include a site in Decherd, Tennessee. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on February 21, 1996.

Subzone 78A was approved in 1982 for the manufacture of pickup trucks (Board Order 190, 47 FR 16191, 4–12–82), and the scope of manufacturing authority was expanded to include automobiles, engines and transaxles in 1984 (Board Order 272, 49 FR 35395, 9–7–84). In 1993, the subzone boundaries were expanded, as was the scope of authority to manufacture under zone procedures (Board Order 632, 58 FR 18850, 3–30–93).

NMMC now requests that the subzone status be extended to include its new engine/powertrain plant (currently under construction) in Decherd (Franklin County), Tennessee, some 65 miles west of Chattanooga. The new manufacturing facility (200,000 sq. ft. on 958 acres) will be used to produce 200,000 engines and 300,000 transaxles annually. The engines will equip autos manufactured at NMMC's Smyrna plant. The transaxles will be used to equip autos manufactured in NMMC's Smyrna plant and minivans (a Ford/Nissan joint-venture vehicle) manufactured at

Ford's Avon Lake, Ohio, plant (Subzone 40C). The application states that the powertrain components produced at the new Decherd plant (471 employees) will displace imports of finished Nissan engines and transaxles. Actually, NMMC already has authority to produce these items under zone procedures within FTZ Subzone 78A (450,000 engines, 270,000 transaxles annually) for vehicles assembled at Smyrna and Avon Lake, so this proposed subzone expansion will allow some of these items to be produced under zone procedures at the new plant site.

Parts and materials that would initially be sourced from abroad include: gaskets/seals, articles of plastic and rubber, hoses, roller chain, steel studs, fasteners, cylinder heads, connecting rods, water pumps, filters, valves, camshafts, crankshafts, bearings, flywheels, pulleys, spark plugs, distributors, ignition parts, clutches (and related parts), electronic controlling apparatus, thermostats, other parts of internal combustion engines, lubricating pumps, valve bodies, and electronic controlling apparatus (duty rate range: free–10.8%). The application indicates that the projected level of domestic parts sourcing at the Decherd facility will be similar to the pattern for motor vehicles manufactured at NMMC's Smyrna plant.

Zone procedures would continue to exempt NMMC from Customs duty payments on the foreign components used in production for export. On its domestic sales, the company would be able to continue to choose the lower duty rate that applies to finished autos (2.5%) for the foreign inputs noted above. On finished engines and transaxles transferred to other auto assembly subzones, duties on their foreign components could be paid when those finished vehicles are withdrawn for Customs entry. The application indicates that the savings from zone procedures would help improve the Decherd plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and three copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 30, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to May 15, 1996).

A copy of the application and the accompanying exhibits will be available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, Post Office Box 270008, 939 Airport Service Road, Nashville, TN 37227; and

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th Street & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: February 22, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–4753 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Intent to Revoke Antidumping Duty Orders and Findings and to Terminate Suspended Investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its intent to revoke the antidumping duty orders and findings and to terminate the suspended investigations listed below. Domestic interested parties who object to these revocations and terminations must submit their comments in writing no later than the last day of March 1996.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order or finding or terminate a suspended investigation if the Secretary of Commerce concludes that it is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations, we are notifying the public of our intent to revoke the following antidumping duty orders and findings and to terminate the suspended investigations for which the Department has not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months:

Antidumping Proceeding

Australia

Canned Bartlett Pears
A–602–039
38 FR 7566
March 23, 1973
Contact: Matthew Rosenbaum at (202) 482–4377

Chile

Standard Carnations
A–337–602
52 FR 8939
March 20, 1987
Contact: Lyn Johnson at (202) 482–5287

France

Brass Sheet & Strip
A–427–602
52 FR 6995
March 6, 1987
Contact: Thomas Killiam at (202) 482–2704

Israel

Oil Country Tubular Goods
A–508–602
52 FR 7000
March 6, 1987
Contact: Michael Heaney at (202) 482–4475

Italy

Brass Fire Protection Equipment
A–475–401
50 FR 8354
March 1, 1985
Contact: Leon McNeill at (202) 482–4236

Japan

Televisions
A–588–015
36 FR 4597
March 10, 1971
Contact: Sheila Forbes at (202) 482–5253

Taiwan

Light-Walled Welded Rectangular Carbon Steel Tubing
A–583–803
54 FR 12457
March 27, 1989
Contact: Thomas Barlow at (202) 482–0410

The People's Republic of China

Chloropicrin
A–570–002
49 FR 10691
March 22, 1984
Contact: Andrea Chu at (202) 482–4733

If no interested party requests an administrative review in accordance

with the Department's notice of opportunity to request administrative review, and no domestic interested party objects to the Department's intent to revoke or terminate pursuant to this notice, we shall conclude that the antidumping duty orders, findings, and suspended investigations are no longer of interest to interested parties and shall proceed with the revocation or termination.

Opportunity To Object

Domestic interested parties, as defined in § 353.2(k) (3), (4), (5), and (6) of the Department's regulations, may object to the Department's intent to revoke these antidumping duty orders and findings or to terminate the suspended investigations by the last day of March 1996. Any submission to the Department must contain the name and case number of the proceeding and a statement that explains how the objecting party qualifies as a domestic interested party under § 353.2(k) (3), (4), (5), and (6) of the Department's regulations.

Seven copies of such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, D.C. 20230. You must also include the pertinent certification(s) in accordance with § 353.31(g) and § 353.31(i) of the Department's regulations. In addition, the Department requests that a copy of the objection be sent to Michael F. Panfeld in Room 4203. This notice is in accordance with 19 CFR 353.25(d)(4)(i).

Dated: February 26, 1996.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 96–4851 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–837]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: William Crow or Irene Darzenta, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0116 or (202) 482–6320.

THE APPLICABLE STATUTE: Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act.

PRELIMINARY DETERMINATION: As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, the Department of Commerce (the Department) has exercised its discretion to toll all deadlines for the duration of the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 16, 1995, through January 6, 1996. Thus, all deadlines in this investigation have been extended by 28 days, *i.e.*, one day for each day (or partial day) the Department was closed. The revised deadline for this preliminary determination is February 23, 1996.

We preliminarily determine that large newspaper printing presses and components thereof (LNPPs) from Japan are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation on July 20, 1995 (60 FR 38546 (July 27, 1995)), the following events have occurred:

On August 14, 1995, the United States International Trade Commission (ITC) notified the Department of Commerce (the Department) of its affirmative preliminary determination. (See ITC Investigation No. 731–TA–736 and 737.)

On August 28, 1995, we presented Section A [1] of the questionnaires to the Japanese embassy, counsel for Mitsubishi Heavy Industries, Ltd., (MHI) and Tokyo Kikai Seisakusho, Ltd. (TKS). MHI submitted responses to Section A on September 27, 1995, and October 10, 1995, as revised on December 13, 1995. TKS submitted responses to Section A on September 27, 1995, and October 2,5, and 10, 1995, as revised on October 17, 1995.

On October 20, 1995, at the request of Rockwell Graphics Systems, Inc. And its parent company, Rockwell International Corporation (the petitioner), we postponed the preliminary determination to January 26, 1996. *See* Notice of Postponement of Preliminary Determinations: Antidumping Investigation of Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled from Japan (60 FR 54841, October 26, 1995).

On October 19, 1995, the petitioner alleged that there are reasonable grounds to believe or suspect that MHI and TKS made below-cost sales of the subject merchandise in Japan, and that these below-cost sales must be excluded from the Department's calculation of profit for constructed value (CV). Because we determined the appropriate basis for normal value (NV) to be CV, we did not address petitioner's below-cost allegation. We did, however, solicit contract price and production costs data for MHI's and TKS's home market sales of subject merchandise in order to compute selling,general and administratie expenses (SG&A) and profit for CV in accordance with section 773(e)(2)(A) of the Act. (*See* ''Product Comparisons'' section of this notice.)

The Department issued Sections C and D of its questionnaire to MHI on October 27, 1995.[2] The Department issued Section C, D, and E [3] to TKS on October 27, 1995. MHI submitted its response to Section C and D on December 1, 1995, as revised December 13, 1995. TKS submitted its response to Section C, D, and E on December 1, 1995. Because of the first partial federal government shutdown mentioned previously, a supplemental questionnaire was not issued until December 8, 1995. Because of the second partial government shutdown, MHI and TKS responded to the supplemental questionnaires on January 18, 1996.

On October 26 and 31, 1995, TKS requested that the Department exclude a certain sale to the Dallas Morning News and a sale to the Spokane Spokesman Review from our antidumping analysis. During the period preceding this preliminary determination, the petitioner objected on several occasions to TKS's proposal. We determined to include these two sales in our preliminary antidumping analysis, contrary to TKS's arguments, since U.S. sales cannot classified as outside the ordinary course of trade, and because there are no administrative barriers to conducting an analysis of these sales.

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[1] Section A requests data concerning corporate organization, accounting practices, markets and merchandise.

[2] Section C requests data on sales to the United States. Section D requests data on the cost of production and constructed value.

[3] Section E requests data on the cost of further manufacturing or assembly performed in the United States.

See February 23, 1996, Memorandum to Richard W. Moreland, from The Team, Re: Request for Exclusion of TKS Sales.

During the period July 28, 1995 through January 23, 1996, the petitioner, MHI and TKS filed comments requesting clarification of the scope of this investigation with respect to elements (*i.e.*, parts or subcomponents) of covered components, and spare and replacement parts. Respondents in the companion investigation of LNPPs from Germany, König Bauer Albert and MAN Roland Druckmaschienen, also submitted comments concerning scope on the record of this preceding. On January 23, 1996, petitioner clarified the scope to exclude used presses. *See* Scope of Investigation section of this notice. At the Department's request, on February 8, 1996, the parties filed comments on suspension of liquidation instructions.

On February 2, 1996, petitioner filed comments on issues concerning MHI to be resolved and on general methodologies to be employed in the preliminary determination. Petitioner filed additional comments concerning MHI issues on February 8, 1996, and concerning TKS issues on February 6, 1996. MHI and TKS filed such comments on February 6 and 16, 1996, respectively.

Respondent Selection

The producers named in the petition were MHI and TKS. On August 2, 1995, we contacted the U.S. Embassy in Tokyo, requesting the identification of Japanese producers and exporters of LNPPs to the United States, and the volume and value of subject merchandise they sold to the United States during the period January 1, 1991 through May 31, 1995. On July 31, 1996, we requested the names and addresses of manufacturers or exporters; and the value and quantity of the subject merchandise sold and shipped to the United States for each company during the period January 1, 1991 through May 31, 1995, from the Embassy of Japan in Washington D.C. On August 11, 1995, we received a reply from the Embassy of Japan indicating that there were no other Japanese exporters of subject merchandise to the United States. At the time of respondent selection, no reply had been received from our Embassy in Tokyo.

Based on the petition and the information received from the Embassy of Japan, we issued questionnaires to MHI and TKS. (See the August 28, 1995, Memorandum to The File Re: Questionnaire Recipients.)

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2)(A) of the Act, on February 9, 1996, MHI requested, and on February 13, 1996, TKS requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until 60 days after the date of the scheduled final determination, which is equivalent to 135 days after the publication of an affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b), because our preliminary determination is affirmative, the respondent accounts for a significant proportion of exports of the subject merchandise, and no compelling reasons for denial exist, we are granting respondents' request and postponing the final determination.

Section 773(d) of the Act provides that provisional measures may not remain in effect for more than four months. However, that provision of the Act also states that the Department may extend that period to six months at the request of exporters representing a significant proportion of exports of the subject merchandise. Such a request was made by both respondents in this investigation on February 23, 1996. Accordingly, we are extending the applicability of the provisional measures to six months in this investigation.

Scope of Investigation

As specified below, we have revised the scope since our notice of initiation to exclude used presses, in accordance with the petitioner's January 23, 1996, clarification. Furthermore, we have clarified the scope to include ''elements'' (otherwise referred to as ''parts'' or ''subcomponents'') of an LNPP system, addition or component, which taken as a whole, constitute a subject LNPP system, addition or component used to fulfill an LNPP contract. See ''Scope Issues'' section of this notice concerning the treatment of elements in the scope. In addition, we have stipulated that spare or replacement parts, which are imported pursuant to an LNPP contract and are separately identified and valued in that contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of the investigation. (See February 23, 1996, Decision Memorandum to Richard Moreland from The Team Re: Scope Issues.)

The products covered by these investigations are large newspaper printing presses, including press systems, press additions and press components, whether assembled or unassembled, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to complete systems, the scope of these investigations includes the five press system components. They are:

(1) A printing unit, which is any component that prints in monocolor, spot color and/or process (full) color, or a printing-unit cylinder;

(2) A reel tension paster (RTP), which is any component that feeds a roll of paper more than two newspaper broadsheet pages in width into a subject printing unit;

(3) A folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format;

(4) Conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and

(5) A computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

A press addition is comprised of a union of one or more of the press components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this investigation. Also included in the scope are elements of an LNPP system, addition or component, which taken as a whole, constitute a subject LNPP system, addition or

component used to fulfill an LNPP contract.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to an LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in an LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this investigation. Used presses are also not subject to this scope. Used presses are those that have been previously sold in an arm's length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Further, these investigations cover all current and future printing technologies capable of printing newspapers, including, but not limited to lithographic (offset or direct), flexographic, and letterpress systems.

The products covered by these investigations are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, 8524.51.30, 8524.52.20, 8524.53.20, 8524.91.00, 8524.99.00 and 8537.10.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

Scope Issues

Since our initiation, we received numerous comments from interested parties in this investigation and the concurrent investigation involving Germany, requesting that the Department clarify the treatment of ''elements'' in the scope of the investigation.

In general, respondents believe that if the imported elements do not constitute a complete, albeit unassembled, component, or are missing ''essential'' elements to function as one of the five components named in the scope, they would not be subject to the scope of this investigation and the concurrent investigation involving Germany. The petitioner believes that, because an imported LNPP press, addition or component will almost always contain elements, which, by themselves, are not subject to the scope, it is not practical to exclude these elements from the scope of the investigation in so far as they comprise an incomplete subject component. (For a complete discussion of these comments, see February 23, 1996 Memorandum to Richard W. Moreland from The Team Re: Scope Issues.)

As stated in the ''Scope of Investigations'' section above, we interpret the scope to include those elements or collection of elements imported from a subject country in so far as they constitute any one of the five covered components which are, in turn, used to fulfill a contract for a LNPP press system, press addition or press component. Individual parts per se are not covered by the scope of these investigations unless taken as a whole they constitute a subject component used to fulfill an LNPP contract. This interpretation, however, raises a question: at what point do the elements imported from a subject country rise to the level of an LNPP component, addition or system subject to the scope of these investigations?

The Department must decide on a reasonable and practicable approach in determining what constitutes a subject LNPP component, addition or system, and in so doing, establish the basis on which we will include elements in the scope. We are considering two alternative approaches for analyzing what governs the inclusion of parts or subcomponents, other than spare or replacement parts, within the scope of these investigations. One approach would consider, on a case-by-case basis, whether the imported parts or subcomponents when taken together are essentially an LNPP system, addition or component. This so called ''essence'' approach is of necessity subjective and turns on the question of how near the sum of the imported parts comes to comprising a complete LNPP system, addition or component. A second approach would consider the value of the imported parts or subcomponents relative to the total value of the finished LNPP component, addition or system in the United States. That is, we would determine that the imported parts or subcomponents would be within the scope if they comprised a certain minimum percentage of the value of the parts of a finished LNPP system, addition or component.

Both of these approaches raise threshold questions. Because certain sales reported by respondents in both the German and Japanese investigations consist of imported elements from Germany or Japan, rather than a complete LNPP component, addition or system, acceptance of either of the two approaches will have implications as to which of the respondents sales the Department will consider in its final determination. Therefore, we are presently soliciting comments from interested parties as to the merits of these approaches and/or others that may be relevant for use in the final determination. Interested party comments on this topic are due no later than May 1, 1996.

Period of Investigation (POI)

The petitioner, MHI, and TKS filed comments on October 19, 20, 25 and 26, 1995, concerning the appropriate period of investigation (POI) and the use of home market sales as the basis for NV. On October 27, 1995, we established the appropriate POI for MHI to be July 1, 1991 through June 30, 1995, and for TKS to be July 1, 1992 through June 30, 1995.

As a result of changes to section 773(b)(2)(B) of the Act, which codified the normal period within which sales made below the cost of production are to be analyzed, the Department modified its practice so that the standard POI would cover a one-year period. In this investigation, however, in order to capture sufficient and representative sales, the Department established a POI beyond the normal one-year period because of the nature of the LNPP industry, characterized by custom order sales and long term sales contracts. (See October 27, 1995, Memorandum to Richard W. Moreland, from The Team Re: Establishing the Period of Investigation.)

Exclusion of the Washington Post Sale

On October 27, 1995, the Department decided to exclude MHI's sale to the Washington Post from our antidumping analysis. (See Period of Investigation Memorandum). On November 7, and November 20, 1995, the petitioner requested that the Department reconsider its decision. On November 13 and November 29, 1995, MHI rebutted the petitioner's arguments.

The Department reaffirmed its exclusion of the Washington Post sale from its margin analysis because (1) this sale was unbuilt, unshipped, and uninstalled at the time of our analysis; (2) the Department believes that the historical bench-marking integral to the use of estimated costs was not reasonably available; and (3) because the Department had two other sales available for analysis which were built, delivered and installed. (See February 23, 1996, Memorandum to Richard W. Moreland from The Team Re: Continuing the Exclusion of the Washington Post Sale).

The Nature of the Guard Sale

On November 1, 1995, the petitioner requested that the Department determine that the correct price for the Department to examine with regard to the ultimate purchase of an LNPP by the Guard Publication Company (Guard) is that set between MHI and the Sumitomo Trading Company. In response to the petitioner's questions, the Department held an ex parte meeting with counsel for MHI on December 7, 1995. Following this meeting MHI submitted documentation with respect to this transaction on December 7, 1995. MHI supplemented this submission with more documentation on December 12, 1995. On January 11, 1996, the petitioner submitted comments analyzing MHI's documentation of the transaction. Finally, MHI submitted additional information concerning this sale in its January 18, 1996, supplemental response. MHI maintained that the documentation was evidence that the sale was made by MHI to Guard.

Because of the participation of MHI in the business dealings between Sumitomo and Guard, the documented correspondence between MHI and Guard, and MHI's actual performance pursuant to the Guard's technical requirements, we established that the appropriate transaction to examine was the sale from MHI to Guard Publishing Company. (See February 23, 1996, Memorandum to Richard W. Moreland from The Team Re: Establishing the Proper Guard Sale.)

Product Comparisons

Although the home market was viable, in accordance with section 773 of the Act, we based NV on constructed value (CV) because we determined that the particular market situation, which requires that the subject merchandise be built to each customer's specifications, does not permit proper price-to-price comparisons. (See November 9, 1995, Memorandum to Richard W. Moreland from The Team Re: Determining the Appropriate Basis for Normal Value.)

Fair Value Comparisons

To determine whether MHI's and TKS's sales of LNPPs to the United States were made at less than fair value, we compared Constructed Export Price (CEP) to the NV, as described in the ''Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(ii), we calculated transaction-specific CEPs (which in this case were synonymous with model-specific CEPs) for comparison to transaction-specific NVs because there are few sales and the merchandise is custom-made.

Constructed Export Price (CEP) and Further Manufacturing (FM)

TKS

TKS reported its sales as CEP and CEP/FM sales. Because we have classified installation expenses as further manufacturing, we have treated all TKS sales as CEP/FM sales. We calculated CEP, in accordance with subsections 772 (b) and (d) of the Act, for (1) those sales to the first unaffiliated purchaser that took place after importation by a seller affiliated with the producer/exporter and (2) those sales involved in further manufacturing in the United States.

We calculated CEP sales based on packed, installed prices to unaffiliated customers. We made deductions from the starting price (gross unit price), for foreign inland freight to port in Japan, foreign brokerage and handling, international freight, combined marine and foreign insurance, U.S. brokerage and handling, U.S. Customs duty, U.S. inland freight port to customer, U.S. inland freight U.S. warehouse to customer, and U.S. inland insurance. We also made deductions for imputed credit, warranty, and other direct selling expenses including certain U.S. trade show expenses.

In calculating imputed credit, we took into account the unique nature and magnitude of the LNPP projects under investigation. These projects require substantial capital expenditures over an extended time period because of their size and their lengthy production process. Moreover, the projects generally call for the purchaser to provide scheduled progress payments prior to the completion of a given project. In consideration of these factors, we computed credit by applying an interest rate to the net balance of production costs incurred and progress payments made during the construction period. We imputed credit expenses for U.S. sales using U.S. prime short-term interest rates as reported by the Federal Reserve, calculated as a weighted-average rate for each fiscal year in the POI, since these sales were denominated in U.S. dollars. However, because TKS reported that it did not borrow in U.S. dollars, we used U.S. prime short-term interest rates as a surrogate rate.

We deducted those indirect selling expenses that related to economic activity in the United States. We have recalculated TKS's reported indirect selling expenses incurred in the United States using the total expenses and total revenue for TKS USA during the fiscal years 1991 through 1995, in order to remove distortions in TKS USA's financial statements caused by auditors' modifications to revenue recognized during the POI.

We also deducted the cost of any further manufacturing or assembly (including additional material and labor). Finally, we made an adjustment for CEP profit in accordance with section 772(d)(3) of the Act.

Furthermore, we have reclassified TKS's combined training and U.S. testing expenses as installation expenses. We then reclassified total installation expenses as U.S. further manufacturing activity.

We classified installation charges as part of further manufacturing, because the U.S. installation process involves extensive technical activities on the part of engineers and installation supervisors and the integration of subject and non-subject merchandise necessary for the operation of LNPPs. See Certain Internal-Combustion, Industrial Forklift Trucks from Japan, 53 FR 12565 (Apr. 15, 1988) and Small Business Telephone Systems and Subassemblies thereof from Korea, 54 FR 53151 (Dec. 27, 1989).

We have also classified as part of further manufacturing costs the costs of certain non-Japanese items shipped directly to the United States without further processing in Japan, and non-Japanese items sourced in the United States, for integration into the overall LNPP during the installation process.

We recomputed the U.S. further manufacturer's reported G&A rate using the cost of goods sold amount reported in its audited financial statements; and we included interest expense relating to the cost of installation in U.S. further manufacturing.

MHI

MHI reported its sales as EP sales. We have classified all MHI sales as CEP/FM sales because MHI's affiliated U.S. sales agent acted as more than a processor of sales-related documentation and a communication link with the unaffiliated U.S. customers; the U.S. affiliate engaged in a broad range of activities including coordination of installation, which we have classified as further manufacturing. We calculated CEP, in accordance with subsections 772 (b) and (d) of the Act, for these sales because they involved further manufacturing in the United States.

We calculated CEP sales based on packed, installed prices to unaffiliated customers in the United States. We made deductions for inland freight to port in Japan; foreign brokerage and

handling; international freight; combined foreign inland and marine insurance, export insurance and U.S. inland insurance, U.S. brokerage and handling, U.S. Customs duty.

We also made deductions for post-sale warehousing, commissions, imputed credit, direct warranty and training expenses, where applicable.

With respect to reported technical service expenses, direct and indirect, we have included these as part of total installation expenses. We then reclassified total installation expenses as U.S. further manufacturing activity. We are continuing to use the amounts reported for technical expenses for purposes of the preliminary determination. In light of MHI's claim that the expenses are limited in time, the magnitude of any changes, and the relationship between technical services in future years and the nature of MHI product warranties, we are not changing the reported values; we will require MHI to explain explicitly the administration of its technical servicing for purposes of the final determination.

We deducted those indirect selling expenses that related to economic activity in the United States. We have modified the calculation of Mitsubishi Lithographic Presses—(MLP's) reported indirect selling expenses to correct the allocation methodology for common G&A expenses.

In calculating imputed credit, we took into account the unique nature and magnitude of the LNPP projects under investigation. These projects require substantial capital expenditures over an extended time period because of their size and their lengthy production process. Moreover, the projects generally call for the purchaser to provide scheduled progress payments prior to the completion of a given project. In consideration of these factors, we computed credit by applying an interest rate to the net balance of production costs incurred and progress payments made during the construction period. We imputed credit expenses for U.S. sales using U.S. prime short-term interest rates as reported by the Federal Reserve, calculated as a weighted-average rate for each fiscal year in the POI, since these sales were denominated in U.S. dollars. However, because MHI reported that it did not borrow in U.S. dollars, we used U.S. prime short-term interest rates as a surrogate rate.

Furthermore, we classified total installation expenses as part of U.S. further manufacturing activity. We classified installation charges as part of further manufacturing, because the U.S. installation process involves extensive technical activities on the part of engineers and installation supervisors and the integration of subject and non-subject merchandise necessary for the operation of LNPPs.

We have also classified as part of further manufacturing costs the costs of certain non-Japanese items shipped directly to the United States without further processing in Japan, and non-Japanese items sourced in the United States, for integration into the overall LNPP during the installation process.

We also deducted the cost of any further manufacturing or assembly (including additional material and labor). We made an adjustment for CEP profit in accordance with section 772(d)(3) of the Act. Finally, we adjusted MHI's reported U.S. further manufacturing costs to include a portion of MHI's G&A and interest expense.

We also deducted the value of spare and replacement parts which are excluded from the scope of the investigation, from the starting price, where the value of these spare and replacement parts was separately identified in the contractual documentation relevant to the sale.

Normal Value/Constructed Value

For the reasons outlined in the ''Product Comparisons'' section of this notice, we based NV on CV.

TKS

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, SG&A and U.S. packing costs as reported in the U.S. sales database. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We relied on the respondent's CV amounts except in the following specific instance wherein the reported costs were improperly valued: For one Dallas Morning News sale, we included the costs of parts from earlier unsold models.

We calculated imputed credit for CV purposes in accordance with the methodology explained in the ''Constructed Export Price'' section of this notice. We imputed credit expenses for CV using the weighted-average home market short-term interest rate reported for the POI since these sales were denominated in yen.

We also included in CV the costs of spare and replacement parts for those U.S. sales where the value of these parts could not be separately identified in the contractual documentation and therefore was not excluded from CEP.

For selling expenses, we used the weighted-average home market selling expense rate, calculated based on sales made in the ordinary course of trade, and applied this rate to U.S. cost of manufacture.

In accordance with section 773(a)(6)(B), we added U.S. packing costs to a CV net of packing.

MHI

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, SG&A and U.S. packing costs as reported in the U.S. sales database. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We relied on the respondent's CV amounts except in the following specific instances wherein the reported costs were improperly valued:

1. We increased materials and contract labor costs to account for inputs purchased from affiliated parties at below cost prices; and
2. We recalculated G&A and interest expense to include all four years of the POI.

We calculated imputed credit for CV purposes in accordance with the methodology explained in the ''Constructed Export Price'' section of this notice. We imputed credit expenses for CV using the weighted-average home market short-term interest rate reported for the POI since these sales were denominated in yen.

For selling expenses, we used the weighted-average home market selling expense rate, calculated based on sales made in the ordinary course of trade, and applied this rate to U.S. cost of manufacture.

In accordance with section 773(a)(6)(B), we added the U.S. packing costs to a CV net of packing.

Price to CV Comparisons

TKS

For CEP to CV comparisons, we deducted from CV the weighted-average home market direct selling expenses, pursuant to section 773(a)(8) of the Act.

MHI

For CEP to CV comparisons, we deducted from CV the weighted-average home market direct selling expenses including commissions, pursuant to section 773(a)(8) of the Act.

Currency Conversion

Section 773A(a) of the Act directs the Department to convert foreign currencies based on the dollar exchange rate in effect on the date of sale of the subject merchandise, except if it is established that a currency transaction on forward markets is directly linked to an export sale. When a company demonstrates that a sale on forward markets is directly linked to a particular export sale in order to minimize its exposure to exchange rate losses, the Department will use the rate of exchange in the forward currency sale agreement. In this case, although one respondent reported that foreign exchange currency contracts applied to its reported U.S. sales, the record information was not sufficient to conclude that these contracts were directly linked to the particular sales in question.

Therefore, for the purpose of the preliminary determination, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank. Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' For this preliminary determination, we have determined that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. The use of an adjustment period was not warranted in this case, because the dates of sale occurred within periods where the Japanese yen remained generally constant against the U.S. dollar.

Verification

As provided in section 782(i) of the Act, we will verify all information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of LNPP systems, additions, and components, whether assembled or unassembled, from Japan, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register. Furthermore, because we are still in the process of clarifying the definition of a subject LNPP system, addition, or component, as explained in the ''Scope Issues'' section of this notice, we are also directing the Customs Service to suspend liquidation of entries of elements (parts or subcomponents) of components imported to fulfill a contract for an LNPP system, addition, or component, from Japan, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register.

In addition, in order to ensure that our suspension of liquidation instructions are not so broad as to cover merchandise imported for non-subject uses, foreign producers/exporters and U.S. importers in the LNPP industry shall be required to provide certification that the imported merchandise would not be used to fulfill an LNPP contract. We will also request that these parties register with the Customs Service the LNPP contract number pursuant to which the merchandise is imported. With respect to entries of LNPP spare and replacement parts, and used presses, from Japan, which are expressly excluded from the scope of the investigation, we will instruct the Customs Service not to suspend liquidation of these entries if they are separately identified and valued in the LNPP contract pursuant to which they are imported.

The Customs Service will require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-average margin percentage
Mitsubishi Heavy Industries, Ltd.	47.57%
Tokyo Kikai Seisakusho, Ltd.	58.14%
All Others	53.72%

The All Others rate applies to all entries of subject merchandise except for entries of merchandise produced by MHI and TKS.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than May 24,1996, and rebuttal briefs, no later than May 30, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on June 4, 1996, time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: February 23, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–4729 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–428–821]

Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Germany

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Irene Darzenta or William Crow, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–6320 or (202) 482–0116.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Rounds Agreements Act.

Preliminary Determination

As explained in the memoranda from the Assistant Secretary for Import Administration dated November 22, 1995, and January 11, 1996, the Department of Commerce (the Department) has exercised its discretion to toll all deadlines for the duration of the partial shutdowns of the Federal Government from November 15 through November 21, 1995, and December 16, 1995, through January 6, 1996. Thus, all deadlines in this investigation have been extended by 28 days, *i.e.*, one day for each day (or partial day) the Department was closed. The revised deadline for this preliminary determination is February 23, 1996.

We preliminarily determine that large newspaper printing presses and components thereof (''LNPPs'') from Germany are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the initiation of this investigation on July 20, 1995 (Notice of Initiation of Antidumping Duty Investigation: Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Disassembled, 60 FR 38546 (July 27, 1995)(Initiation Notice)), the following events have occurred:

On August 14, 1995, the United States International Trade Commission (''ITC'') notified the Department of Commerce (the Department) of its affirmative preliminary determination (see ITC Investigation No. 731–TA–736 and 737).

On August 28, 1995, we presented Section A of the Department's questionnaire [1] to MAN Roland Druckmaschinen AG and its U.S. affiliate MAN Roland Inc. (collectively ''MAN Roland''), and Koenig & Bauer-Albert AG and its U.S. affiliate KBA-Motter Corp. (collectively, ''KBA''). See the ''Respondent Selection'' section of this notice. MAN Roland's responses to Section A were received on September 27, 1995 (as amended on September 29, 1995), October 4, 1995, and October 10, 1995. On September 25, 1995, KBA informed the Department that it would not be responding to the Department's questionnaire.

On October 20, 1995, at the request of Rockwell International Corporation (the petitioner), we postponed the preliminary determination to January 26, 1996. (See Notice of Postponement of Preliminary Determinations: Antidumping Investigation of Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled From Japan, 60 FR 54841, October 26, 1995.)

On October 24, 1995, the petitioner alleged that there are reasonable grounds to believe or suspect that MAN Roland made below-cost sales of the subject merchandise in Germany, and that these below-cost sales must be excluded from the Department's calculation of profit for constructed value (''CV''). Because we determined the appropriate basis for normal value (''NV'') to be CV, we did not address petitioner's below-cost allegation. We did, however, solicit contract price and production cost data for MAN Roland's home market sales of subject merchandise in order to compute selling, general and administrative (SG&A) expenses, and profit for CV in accordance with section 773(e)(2)(A) of the Act. (See ''Product Comparisons'' section of this notice.)

The Department issued Sections C, D and E of its questionnaire [2] to MAN Roland on October 27, 1995. Responses to these sections of the questionnaire were received on December 13, 1995. A supplemental questionnaire was not issued to MAN Roland on January 18, 1996. On January 30, 1996, MAN Roland submitted corrections to clerical errors contained in its December 13, 1995, Section D response. MAN Roland's responses to the Department's supplemental questionnaire were received on January 31, and February 1, 1996. A revised U.S. sales listing was submitted on February 2, 1996.

During the period July 28, 1995 through January 23, 1996, the petitioner, MAN Roland and KBA filed comments requesting clarification of the scope of this investigation with respect to elements (*i.e.*, parts or subcomponents) of covered components, and spare and replacement parts. Respondents in the concurrent investigation of LNPPs from Japan, Mitsubishi Heavy Industries, Ltd. and Tokyo Kikai Seisakusho, also submitted comments concerning scope. On January 23, 1996, the petitioner clarified the scope to exclude used presses. See ''Scope of Investigation'' section of this notice. At the Department's request, on February 8, 1996, the parties filed comments on suspension of liquidation instructions.

On February 2 and 9, 1996, the petitioner filed comments on issues to be resolved and methodologies to be employed in the preliminary determination. KBA and MAN Roland filed such comments on February 8 and 12, 1996, respectively.

Facts Available

KBA failed to respond to the Department's questionnaire. Section 776(a)(2) of the Act provides that if an interested party (1) withholds information that has been requested by the Department, (2) fails to provide such information in a timely manner or in the form or manner requested, (3) significantly impedes a determination under the antidumping statute, or (4) provides such information but the information cannot be verified, the Department shall use facts otherwise available in reaching the applicable determination. Because KBA failed to respond to the Department's questionnaire, we must use facts otherwise available with regard to KBA.

Section 776(b) provides that adverse inferences may be used against a party that has failed to cooperate by not acting to the best of its ability to comply with requests for information. See also Statement of Administrative Action, at 870. KBA's failure to reply to the Department's questionnaire demonstrates that KBA has failed to cooperate to the best of its ability in this

[1] Section A requests data concerning corporate organization, accounting practices, markets and merchandise.

[2] Section C requests data on sales to the United States. Section D requests data on the cost of production and constructed value. Section E requests data on the cost of further manufacturing or assembly performed in the United States.

investigation. Thus, the Department has determined that, in selecting among the facts otherwise available to KBA, an adverse inference is warranted. As facts otherwise available, we are assigning to KBA the margin stated in the notice of initiation, 46.40 percent.

Section 776(c) provides that when the Department relies on secondary information (such as the petition) in using the facts otherwise available it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. When analyzing the petition, the Department reviewed all of the data the petitioner had in calculating the estimated dumping margin. This estimated dumping margin was based on a comparison of the bid price for a sale of a LNPP system made by MAN Roland to an unrelated U.S. customer and the CV of that LNPP system. As a result of that analysis, the Department modified the CV methodology that the petitioner relied upon in calculating the estimated margin. On the basis of those modifications, the Department recalculated the estimated dumping margin and found it to be 46.40 percent. See Initiation Notice. The Department corroborated all of the secondary information from which the margin was calculated during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose at that time. For purposes of the preliminary determination, the Department reexamined the price information provided in the petition in light of information developed during the investigation, and found that it continues to be of probative value.

Respondent Selection

The producers named in the petition were MAN Roland and KBA. On August 4, 1995, we contacted the U.S. Embassy in Bonn, Germany, requesting the identification of German producers and exporters of LNPPs to the United States, and the volume and value of subject merchandise they sold to the United States during the period January 1, 1991 through May 31, 1995. On August 24, 1995, we received a reply cable with information concerning the U.S. sales activities of MAN Roland and KBA. The cable did not indicate that there were other German exporters of subject merchandise to the United States. In addition to this cable, we received a separate cable from the U.S. Embassy replying to the ITC's request for information on German manufacturers of subject merchandise. While this cable identified eight additional German manufacturers of various press technologies, it did not specify whether they were producers/exporters of the subject merchandise.

Based on the petition and the information received from the U.S. Embassy, we issued questionnaires to MAN Roland and KBA. We did not send any additional questionnaires, as no evidence on the record suggested that any other German manufacturer sold LNPPs in the United States during the specified period. (*See* Memorandum to The File Re: Questionnaire Recipients, dated August 28, 1995.)

Postponement of Final Determination and Extension of Provisional Measures

Pursuant to section 735(a)(2)(A) of the Act, on February 23, 1996, MAN Roland, requested that, in the event of an affirmative preliminary determination in this investigation, the Department postpone its final determination until 60 days after the date of the scheduled final determination, which is equivalent to 135 days after the publication of an affirmative preliminary determination in the Federal Register. In accordance with 19 CFR 353.20(b)(1995), because our preliminary determination is affirmative, the respondent accounts for a significant proportion of exports of the subject merchandise, and no compelling reasons for denial exist, we are granting respondent's request and postponing the final determination.

Section 733(d) of the Act provides that provisional measures may not remain in effect for more than four months. However, that provision of the Act also states that the Department may extend that period to six months at the request of exporters representing a significant proportion of exports of the subject merchandise. No such explicit request was made in this case. However, we interpret the request of MAN Roland to extend the final determination in this investigation to contain an implied request to extend provisional measures in accordance with Section 733(d) of the Act. Accordingly, we have extended the period for provisional measures to six months.

Scope of Investigation

As specified below, we have revised the scope since our notice of initiation to exclude used presses, in accordance with the petitioner's January 23, 1996, clarification. Furthermore, we have clarified the scope to include ''elements'' (otherwise referred to as ''parts'' or ''subcomponents'') of an LNPP system, addition or component, which taken as a whole, constitute a subject LNPP system, addition or component used to fulfill an LNPP contract. See ''Scope Issues'' section of this notice concerning the treatment of elements in the scope. In addition, we have stipulated that spare or replacement parts, which are imported pursuant to an LNPP contract and are separately identified and valued in that contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of the investigation. See February 23, 1996, Decision Memorandum to Richard Moreland from The Team Re: Scope Issues.

The products covered by these investigations are large newspaper printing presses, including press systems, press additions and press components, whether assembled or unassembled, that are capable of printing or otherwise manipulating a roll of paper more than two pages across. A page is defined as a newspaper broadsheet page in which the lines of type are printed perpendicular to the running of the direction of the paper or a newspaper tabloid page with lines of type parallel to the running of the direction of the paper.

In addition to complete systems, the scope of these investigations includes the five press system components. They are:

(1) A printing unit, which is any component that prints in monocolor, spot color and/or process (full) color, or a printing-unit cylinder;

(2) A reel tension paster (RTP), which is any component that feeds a roll of paper more than two newspaper broadsheet pages in width into a subject printing unit;

(3) A folder, which is a module or combination of modules capable of cutting, folding, and/or delivering the paper from a roll or rolls of newspaper broadsheet paper more than two pages in width into a newspaper format;

(4) Conveyance and access apparatus capable of manipulating a roll of paper more than two newspaper broadsheet pages across through the production process and which provides structural support and access; and

(5) A computerized control system, which is any computer equipment and/or software designed specifically to control, monitor, adjust, and coordinate the functions and operations of large newspaper printing presses or press components.

A press addition is comprised of a union of one or more of the press components defined above and the equipment necessary to integrate such components into an existing press system.

Because of their size, large newspaper printing press systems, press additions, and press components are typically shipped either partially assembled or unassembled. Any of the five components, or collection of components, the use of which is to fulfill a contract for large newspaper printing press systems, press additions, or press components, regardless of degree of assembly and/or degree of combination with non-subject elements before or after importation, is included in the scope of this investigation. Also included in the scope are elements of an LNPP system, addition or component, which taken as a whole, constitute a subject LNPP system, addition or component used to fulfill an LNPP contract.

This scope does not cover spare or replacement parts. Spare or replacement parts imported pursuant to an LNPP contract, which are not integral to the original start-up and operation of the LNPP, and are separately identified and valued in an LNPP contract, whether or not shipped in combination with covered merchandise, are excluded from the scope of this investigation. Used presses are also not subject to this scope. Used presses are those that have been previously sold in an arm's length transaction to a purchaser that used them to produce newspapers in the ordinary course of business.

Further, these investigations cover all current and future printing technologies capable of printing newspapers, including, but not limited to lithographic (offset or direct), flexographic, and letterpress systems.

The products covered by these investigations are imported into the United States under subheadings 8443.11.10, 8443.11.50, 8443.30.00, 8443.59.50, 8443.60.00, and 8443.90.50 of the HTSUS. Large newspaper printing presses may also enter under HTSUS subheadings 8443.21.00 and 8443.40.00. Large newspaper printing press computerized control systems may enter under HTSUS subheadings 8471.49.10, 8471.49.21, 8471.49.26, 8471.50.40, 8471.50.80, 8524.51.30, 8524.52.20, 8524.53.20, 8524.91.00, 8524.99.00 and 8537.10.90. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

Scope Issues

Since our initiation, we received numerous comments from interested parties in this investigation and the concurrent investigation involving Japan, requesting that the Department clarify the treatment of ''elements'' in the scope of the investigation.

In general, respondents believe that if the imported elements do not constitute a complete, albeit unassembled, component, or are missing ''essential'' elements to function as one of the five components named in the scope, they would not be subject to the scope of this investigation and the concurrent investigation involving Japan. The petitioner believes that, because an imported LNPP press, addition or component will almost always contain elements, which, by themselves, are not subject to the scope, it is not practical to exclude these elements from the scope of the investigation in so far as they comprise an incomplete subject component. For a complete discussion of these comments, see February 23, 1996 Memorandum to Richard W. Moreland from The Team Re: Scope Issues.

As stated in the ''Scope of Investigations'' section above, we interpret the scope to include those elements or collection of elements imported from a subject country in so far as they constitute any one of the five covered components which are, in turn, used to fulfill a contract for a LNPP press system, press addition or press component. Individual parts per se are not covered by the scope of these investigations unless taken as a whole they constitute a subject component used to fulfill an LNPP contract. This interpretation, however, raises a question: at what point do the elements imported from a subject country rise to the level of an LNPP component, addition or system subject to the scope of these investigations?

The Department must decide on a reasonable and practicable approach in determining what constitutes a subject LNPP component, addition or system, and in so doing, establish the basis on which we will include elements in the scope. We are considering two alternative approaches for analyzing what governs the inclusion of parts or subcomponents, other than spare or replacement parts, within the scope of these investigations. One approach would consider, on a case-by-case basis, whether the imported parts or subcomponents when taken together are essentially an LNPP system, addition or component. This so-called ''essence'' approach is of necessity subjective and turns on the question of how near the sum of the imported parts comes to comprising a complete LNPP system, addition or component. A second approach would consider the value of the imported parts or subcomponents relative to the total value of the finished LNPP component, addition or system in the United States. That is, we would determine that the imported parts or subcomponents would be within the scope if they comprised a certain minimum percentage of the value of the parts of a finished LNPP system, addition or component.

Both of these approaches raise threshold questions. Because certain sales reported by respondents in both the German and Japanese investigations consist of imported elements from Germany or Japan, rather than a complete LNPP component, addition or system, acceptance of either of the two approaches will have implications as to which of the respondents' sales the Department will consider in its final determination. Therefore, we are presently soliciting comments from interested parties as to the merits of these approaches and/or others that may be relevant for use in the final determination. Interested party comments on this topic are due no later than May 1, 1996.

Period of Investigation (POI)

The petitioner and MAN Roland filed comments during the period October 19 through 26, 1995, concerning the appropriate POI. On October 27, 1995, we established the appropriate POI for MAN Roland to be July 1, 1993 through June 30, 1995.

As a result of changes to section 773(b)(2)(B) of the Act, which codified the normal period within which sales made below the cost of production are to be analyzed, the Department modified the standard POI to cover a one year period. In this investigation, however, in order to capture sufficient and representative sales, the Department extended the POI to two years, instead of the normal one-year period, because of the nature of the LNPP industry, characterized by custom order sales and long term sales contracts. (See October 27, 1995 Memorandum to Richard W. Moreland from The Team Re: Establishing the Period of Investigation.)

Product Comparisons

Although the home market was viable, in accordance with section 773 of the Act, we based NV on CV because we determined that the particular market situation, which requires that the subject merchandise be built to each customer's specifications, does not permit proper price-to-price comparisons. (See November 9, 1995, Memorandum to Richard W. Moreland from The Team Re: Determining the Appropriate Basis for Normal Value.)

Fair Value Comparisons

To determine whether MAN Roland's sales of LNPPs to the United States were made at less than fair value, we compared Constructed Export Price (''CEP'') to the NV, as described in the ''Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(ii), we calculated transaction-specific CEPs (which in this case were synonymous with model-specific CEPs) for comparison to transaction-specific NVs because of the limited number of sales and the custom-made merchandise.

Constructed Export Price

In accordance with subsections 772(b) and (d) of the Act, we calculated CEP for sales to the first unaffiliated purchaser by a seller affiliated with the producer/exporter that took place before importation and involved further manufacturing in the United States.

We calculated CEP sales based on packed, delivered and/or installed prices to unaffiliated customers in the United States. We made deductions from the starting price (gross unit price), where appropriate, for the following charges: inland freight to port in Germany, foreign inland insurance, foreign brokerage and handling, international freight, marine insurance, U.S. brokerage and handling, U.S. Customs duty and U.S. inland freight. We made corrections to respondent's data where the data reported in the U.S. sales listing conflicted with the data contained in support documentation submitted in its questionnaire responses.

We also made deductions for post-sale warehousing, commissions, imputed credit, training, warranty and product liability. In calculating imputed credit, we took into account the unique nature and magnitude of the LNPP projects under investigation. These projects require substantial capital expenditures over an extended time period because of their size and their lengthy production process. Moreover, the projects generally call for the purchaser to provide scheduled progress payments prior to the completion of a given project. In consideration of these factors, we computed credit by applying an interest rate to the net balance of production costs incurred and progress payments made during the construction period. We imputed credit expenses for U.S. sales using the weighted-average U.S. short-term interest rate reported for the POI because these sales were denominated in U.S. dollars.

We also deducted those indirect selling expenses that related to economic activity in the United States. We recalculated these expenses based on sales revenues, rather than sales orders. We disallowed an adjustment for the warehousing income claimed for one sale because of insufficient evidence on the record to support respondent's claim that such an adjustment was warranted.

We also deducted the value of spare and replacement parts, which are excluded from the scope of the investigation, where the value of these spare and replacement parts was separately identified in the contractual documentation governing the sale. In addition, for one sale, we deducted the value of the used equipment portion of the LNPP which is excluded from the scope of the investigation.

We classified installation expenses, as well as special testing and start-up costs associated with the installation process, as part of further manufacturing in the United States because the U.S. installation process involves extensive technical activities on the part of engineers and installation supervisors, and the integration of subject and non-subject merchandise necessary for the operation of LNPPs. We also classified as part of further manufacturing costs, the cost of certain non-German items either shipped directly to the United States without further processing in Germany, or sourced in the United States, for integration into the overall LNPP during the installation process.

Furthermore, we deducted the cost of any further manufacturing or assembly (including additional material and labor, installation, special testing and start-up costs). We recomputed the U.S. further manufacturer's reported general and administrative (''G&A'') expense rate using the cost of sales amount reported in its financial statements; and for one U.S. sale, we reduced the further manufacturing costs by the reported cost of used equipment. Finally, we made an adjustment for CEP profit in accordance with section 772(d)(3) of the Act.

Normal Value/Constructed Value

For the reasons outlined in the ''Product Comparisons'' section of this notice, we based NV on CV.

In accordance with section 773(e)(1) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, SG&A and U.S. packing costs as reported in the U.S. sales database. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We relied on the respondent's CV amounts, except in the following specific instances wherein the reported costs were improperly valued:

1. We excluded respondent's reported negative interest expense amounts for all sales;
2. We excluded the multiple facility adjustment reported in cost of manufacturing (''COM'');
3. For each uncompleted press, we applied to the submitted standard overhead costs the variance experienced by MAN Roland for the most recently completed fiscal year (July 1, 1994 through June 30, 1995);
4. We recalculated the time variance for manufacturing overhead costs based on the adjusted costs as computed in item 3 above;
5. We recalculated product line research and development costs, and G&A expenses based on the full cost of each U.S. contract;
6. In calculating the CV profit rate and selling expense rates, we adjusted the reported home market cost data for items 1 through 3 noted above;

We also included in CV the costs of spare and replacement parts for those U.S. sales where the value of these parts could not be separately identified in the contractual documentation and therefore could not be excluded from CEP.

For selling expenses, we used the average home market selling expense rate, calculated based on the selling expenses reported for home market sales made in the ordinary course of trade, and applied this rate to the U.S. COM. We recalculated home market indirect selling expenses based on sales revenues, rather than sales orders.

We calculated imputed credit for CV purposes in accordance with the methodology explained in the ''Constructed Export Price'' section of this notice. We imputed credit expenses for CV using the weighted-average home market short-term interest rate reported for the POI since these sales were denominated in deutschemarks.

In accordance with section 773(a)(6)(B), we added U.S. packing costs to a CV net of packing.

Price to CV Comparisons

For CEP to CV comparisons, we deducted from CV the average home market direct selling expenses pursuant to section 773(a)(8) of the Act.

Currency Conversion

Section 773A(a) of the Act directs the Department to convert foreign

currencies based on the dollar exchange rate in effect on the date of sale of the subject merchandise, except if it is established that a currency transaction on forward markets is directly linked to an export sale. When a company demonstrates that a sale on forward markets is directly linked to a particular export sale in order to minimize its exposure to exchange rate losses, the Department will use the rate of exchange in the forward currency sale agreement. In this case, although MAN Roland reported that forward currency exchange contracts applied to certain U.S. sales, the record information was not sufficient to conclude that these contracts were directly linked to the particular sales in question. Therefore, for the purpose of the preliminary determination, we made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Section 773A(a) directs the Department to use a daily exchange rate in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' For this preliminary determination, we have determined that a fluctuation exists when the daily exchange rate differs from the benchmark rate by 2.25 percent. The benchmark is defined as the rolling average of rates for the past 40 business days. When we determined a fluctuation existed, we substituted the benchmark for the daily rate.

Further, section 773A(b) directs the Department to allow a 60-day adjustment period when a currency has undergone a sustained movement. Such an adjustment period is required only when a foreign currency is appreciating against the U.S. dollar. No adjustment period is warranted in this case, because the deutschemark generally remained constant against the U.S. dollar during the POI.

Verification

As provided in section 782(i) of the Act, we will verify all information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of LNPP systems, additions and components, whether assembled or unassembled, from Germany, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register. Furthermore, because we are still in the process of clarifying the definition of a subject LNPP system, addition or component, as explained in the ''Scope Issues'' section of this notice, we are also directing the Customs Service to suspend liquidation of entries of elements (parts or subcomponents) of components imported to fulfill a contract for an LNPP system, addition, or component, from Germany, that are entered, or withdrawn from warehouse for consumption, on or after the date of publication of this notice in the Federal Register.

In addition, in order to ensure that our suspension of liquidation instructions are not so broad as to cover merchandise imported for non-subject uses, foreign producers/exporters and U.S. importers in the LNPP industry shall be required to provide certification that the imported merchandise would not be used to fulfill an LNPP contract. We will also request that these parties register with the Customs Service the LNPP contract numbers pursuant to which subject merchandise is imported. With respect to entries of LNPP spare and replacement parts, and used presses, from Germany, which are expressly excluded from the scope of the investigation, we will instruct the Customs Service not to suspend liquidation of these entries if they are separately identified and valued in the LNPP contract pursuant to which they are imported. The Customs Service will require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the export price as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Exporter/Manufacturer	Weighted-average margin percentage
MAN Roland Druckmaschinen AG	17.70
Koenig & Bauer-Albert AG	46.40
All Others	17.70

The Department has excluded the margin for KBA, which is based on adverse facts available, from the calculation of the All Others rate.

The All Others rate applies to all entries of subject merchandise except for entries of merchandise produced by MAN Roland and KBA.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Public Comment

Case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary for Import Administration no later than May 16, 1996, and rebuttal briefs, no later than May 23, 1996. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on June 4, 1996, time and place to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B–099, within ten days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If this investigation proceeds normally, we will make our final determination by 135 days after the publication of this notice in the Federal Register.

This determination is published pursuant to section 733(f) of the Act.

Dated: February 23, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–4730 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–560–801, A–583–825, and A–570–844]

Initiation of Antidumping Duty Investigation: Melamine Institutional Dinnerware Products From Indonesia, Taiwan and the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Kate Johnson at (202) 482–4929 or Erik Warga at (202) 482–0922, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

INITIATION OF INVESTIGATION:

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA'').

The Petition

On February 6, 1996, the Department of Commerce (''the Department'') received a petition filed in proper form by The American Melamine Institutional Tableware Association (''petitioners''), whose members include Continental/SiLite International Co., Lexington United Corp./National Plastics Corp., and Plastics Manufacturing Company (domestic producers of melamine institutional dinnerware products (''MIDPs'')).

In accordance with section 732(b) of the Act, petitioners allege that imports of MIDPs from Indonesia, Taiwan and the People's Republic of China (PRC) are being, or are likely to be sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, a U.S. industry.

Petitioners are an association the majority of whose members are producers of the domestic like product and, therefore, have standing to file the petition because they are an interested party, as defined under section 771(9)(E) of the Act.

Determination of Industry Support for the Petition

Section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, that a minimum percentage of the domestic industry supports an antidumping petition. A petition meets these minimum requirements if the domestic producers or workers who support the petition account for (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

A review of the production data provided in the petition and other information readily available to the Department indicates that petitioners account for more than 25 percent of the total production of the domestic like product and for more than 50 percent of that produced by companies expressing support for, or opposition to, the petition. Petitioners represent more than 90 percent of total production of the domestic like product. Moreover, the only other known domestic producer of MIDPs, Gessner Products, has expressed support for the petition. The Department received no expressions of opposition to the petition from any domestic producer or workers. Accordingly, the Department determines that the petition is supported by the domestic industry.

Scope of the Investigation

The scope of this investigation is all items of dinnerware (e.g., plates, cups, saucers, bowls, creamers, gravy boats, serving dishes, platters, and trays) that contain at least 50 percent melamine by weight and have a minimum wall thickness of 0.08 inch. This merchandise is classifiable under subheadings 3924.10.20, 3924.10.30, and 3924.10.50 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which our decisions to initiate are based. Should the need arise to use any of this information in our preliminary or final determinations, we will re-examine the information and may revise the margin calculations, if appropriate.

Indonesia

Petitioners based export price (EP) on a price quotation for a 9-inch plate obtained from a market research report. The terms are ex-factory and, hence, no deductions to EP were made.

Petitioners based normal value (NV) on a price quotation for a 9-inch plate obtained from a market research report. The terms are ex-factory and, hence, no deductions to NV were made.

Based on comparisons of EP to NV, the calculated dumping margin for MIDPs from Indonesia is 89.84 percent *ad valorem*.

PRC

Petitioners prepared two calculations of constructed export price (CEP). In the first instance, petitioners calculated CEP based on a PRC producer's affiliated reseller's price quote. Petitioners deducted cash discounts, ocean freight, U.S. inland freight, containerization, and duties. For purposes of initiation, we disallowed the deduction for U.S. inland freight because the petition did not specify the U.S. customer's location and did not contain any evidence indicating the actual amount of any inland freight expenses incurred.

Alternatively, petitioners argue that the Act requires U.S.-incurred selling expenses to be deducted from CEP. Although section 772(d)(1) of the Act requires this deduction from CEP, petitioners did not make a corresponding adjustment to NV for selling expenses. Therefore, we have not accepted this deduction for purposes of the initiation. We may consider this issue further later in the investigation.

Petitioners assert that the PRC is a non-market economy (NME) within the meaning of sections 771(18) of the Act and in accordance with section 773(c) of the Act. Accordingly, the normal value of the product should be based on the producer's factors of production, valued in a surrogate market economy country. In previous investigations, the Department has determined that the PRC is an NME, and the presumption of NME status continues for the initiation of this investigation. See, e.g., Final Determination of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium from the People's Republic of China, 60 FR 16437 (March 30, 1995).

It is our practice in NME cases to calculate NV based on the factors of production of those factories that produced MIDPs sold to the United States during the period of investigation.

In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and the granting of separate rates to individual exporters. See, *e.g.*, Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the PRC, 59 FR 22585 (May 2, 1994).

Petitioners based the PRC producers' factors of production (*i.e.*, raw materials, labor, and energy) for MIDPs on petitioners' own usage amounts. Petitioners valued these factors, where possible, on publicly available published Indonesian data. Where this data was unavailable, petitioners used other acceptable sources of information. Petitioners estimated the surrogate value of scrap based on their own experience as to the scrap rate in MIDP production.

Indonesia is an acceptable surrogate country because its level of economic development is comparable to that of

the PRC and Indonesia is a significant producer of comparable merchandise.

Petitioners also based factory overhead and general expenses on data contained on the public records of previous investigations in which the information was also used as surrogate values for factors of production of merchandise from the PRC.

Petitioners based profit on a publicly available published industry study of the Reserve Bank of India Bulletin, September 1994, for the Processing and Manufacturing of Metals, Chemicals, and Products thereof.

Finally, petitioners based packing on their own U.S. packing costs, not including packing for ocean voyage. For the purposes of this investigation, we have disallowed the packing costs because they were based on U.S. values rather than a factor value from an appropriate surrogate country.

Based on comparisons of CEP to the factors of production, the calculated dumping margin for MIDPs from the PRC, after adjustments made by the Department, is 7.06 percent *ad valorem*.

Taiwan

Petitioners used a market research firm to obtain an EP price quotation from a Taiwanese producer. Petitioners deducted a discount from this price.

In addition, petitioners calculated CEP based on a Taiwan company's affiliated reseller price quotation. Petitioners believe that the Department should use CEP because there is substantial evidence that, during the POI, this manufacturer produced subject merchandise in Taiwan that was sold in the United States.

Petitioners deducted from CEP discounts, ocean freight, U.S. inland freight, containerization, selling expenses and inventory carrying expenses.

For purposes of initiation, we are rejecting this CEP calculation because there is insufficient evidence that the Taiwan manufacturer, Tar-Hong, produced in Taiwan the subject merchandise sold by its U.S. affiliate during the POI. However, as this investigation proceeds, we will consider this issue further.

Based on comparisons of EP to NV, the calculated dumping margin for MIDPs from Taiwan, after adjustments made by the Department, is 53.13 percent *ad valorem*.

Fair Value Comparisons

Based on the data provided by petitioners, there is reason to believe that imports of MIDPs from Indonesia, the PRC and Taiwan are being, or are likely to be, sold at less than fair value.

Initiation of Investigations

We have examined the petitions on MIDPs and have found that they meet the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating antidumping duty investigations to determine whether imports of MIDPs from Indonesia, the PRC and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determinations by July 15, 1996.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the governments of Indonesia and PRC, as well as to the Taiwan authorities. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition.

International Trade Commission (ITC) Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will determine by March 22, 1996, whether there is a reasonable indication that imports of MIDPs from Indonesia, the PRC and Taiwan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination in any of the investigations will result in that investigation being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: February 26, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–4850 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 96–001. *Applicant:* University of California, Davis, 174 Physics/Geology Bldg., Davis, CA 95616-8605. *Instrument:* Water Gas Phase Equilibration System. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used to analyze the stable oxygen and hydrogen isotopic composition ($^{18}0/^{16}0$ and D(euterium) /H) of water samples derived from seawater samples collected during experimental research and ground water samples from hydrographic studies. The experiments will involve studies of the physiological and environmental parameters responsible for stable isotope variability in the calcium carbonate shells of fossil organisms via the study of living representatives in the laboratory and field. In addition, the instrument will be used in the course Geology 227, Stable Isotope Biochemistry introducing graduate students to different applications of stable isotope geochemistry in the research environment. *Application Accepted by Commissioner of Customs:* January 3, 1996.

Docket Number: 96–002. *Applicant:* DHHS/Food and Drug Administration, National Center for Toxicological Research, Division of Chemistry, 3900 NCTR Road, Jefferson, AR 72079. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad XR. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used for studies of food, food ingredients, animal diets, animal tissues and water to determine the quantitation of the levels of trace elements of interest in these samples. The instrument will also be used for speciation studies for toxicologically important elements such as As, Cr, and Mn among others. *Application Accepted by Commissioner of Customs:* January 4, 1996.

Docket Number: 96–003. *Applicant:* Mount Holyoke College, 50 College Street, South Hadley, MA 01075. *Instrument:* Electron Microscope, Model CM100. *Manufacturer:* Philips, The Netherlands. *Intended Use:* The instrument will be used in a wide variety of research projects in the

biological sciences which include but are not limited to: (a) assessment of which structural components of the nucleus remain after progressive dismantling of nuclear components by high salt, nuclease, and detergent treatment in research designed to probe nuclear matrix structure and function in plant cells and (b) characterization of cellular defects in various *Drosophila* mutants which figure prominently in molecular biology. In addition, the instrument will be used for educational purposes in several biology courses. *Application Accepted by Commissioner of Customs:* January 4, 1996.

Docket Number: 96–004. *Applicant:* University of California at Berkeley, 485 Hearst Mining Bldg., Berkeley, CA 94720. *Instrument:* Mass/Energy Spectrometer. *Manufacturer:* Hiden Analytical Ltd., United Kingdom. *Intended Use:* The instrument will be used for determining the mass, energy and flux of ions, neutrals and radicals generated by an activated nitrogen source. It will also be used for trace impurity measurements. *Application Accepted by Commissioner of Customs:* January 11, 1996.

Docket Number: 96–005. *Applicant:* Scripps Research Institute, 10666 North Torrey Pines Road, La Jolla, CA 92037. *Instrument:* Electron Microscope, Model CM120. *Manufacturer:* Philips, The Netherlands. *Intended Use:* The instrument will be used for studies of the structure of tobacco, alfalfa, and cucumber mosaic viruses, muscle proteins, nuclear pore complexes, microtubules, CHIP28 water channels, acetylcholine receptors, gap junctions, rotavirus and reovirus, and rice yellow mottle virus. The goals of the investigations are in general to understand the structural basis for how the subcellular organelles and supramolecular assemblies function and to elucidate the role that they play in the life of the cell. In addition, the instrument will be used to provide training in use of the electron microscope as a research tool. *Application Accepted by Commissioner of Customs:* February 6, 1996.

Docket Number: 96–007. *Applicant:* U.S. Department of Commerce, NOAA/ERL/CMDL, R/E/CGI, 325 Broadway, Boulder, CO 80303. *Instrument:* Stable Isotope Mass Spectrometer, Model OPTIMA. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used to measure the stable isotope ratios of CO_2 from flask samples of atmospheric air sampled weekly from about 50 sites worldwide and analyzed for the mixing ratios of methane, carbon monoxide and other gases. The instrument will also be used to measure the stable isotope ratios of CO_2 from standard and reference materials as required to maintain the integrity and calibration of the data base of atmospheric measurements. *Application Accepted by Commissioner of Customs:* February 6, 1996.

Docket Number: 96–008. *Applicant:* University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. *Instrument:* Mass Spectrometer, Model Plasma Trace 2. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* The instrument will be used for studies of soils, high purity silicon chips, waters and low level waste streams to determine trace analytes in a given sample. *Application Accepted by Commissioner of Customs:* February 7, 1996.

Frank W. Creel

Director, Statutory Import Programs Staff

[FR Doc. 96–4754 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–F

University of Hawaii, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 94–154R. *Applicant:* University of Hawaii, Honolulu, HI 96822. *Instrument:* ICP Mass Spectrometer, Model PlasmaQuad. *Manufacturer:* Fisons Instruments, United Kingdom. *Intended Use:* See notice at 60 FR 5165, January 26, 1995. *Reasons:* The foreign instrument provides a UV laser ablation sample introduction system. *Advice Received From:* National Institutes of Health, February 14, 1996.

Docket Number: 95–115. *Applicant:* University of Vermont, Burlington, VT 05405–0082. *Instrument:* Ammonia Emission Measurement Equipment. *Manufacturer:* Swedish Institute of Agricultural Engineering, Sweden. *Intended Use:* See notice at 60 FR 64158, December 14, 1995. *Reasons:* The foreign instrument provides in-situ measurement of equilibrium concentrations of ammonia in a ventilated chamber employing passive diffusion samplers. *Advice Received From:* National Institutes of Health, February 5, 1996.

The National Institutes of Health advises in its memoranda that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 96–4755 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Bluefin Tuna Dealer Reports

ACTION: Proposed Collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 30, 1996.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW., Washington DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Kevin Foster, NMFS—One Blackburn Drive, Gloucester, MA 01915 (508–281–9260).

SUPPLEMENTARY INFORMATION:

I. Abstract

The information collected in the Dealer Package is used by NMFS to

monitor the U.S. catch in relation to the quota, thereby ensuring that the United States complies with its international obligations to the International Commission for the Conservation of Atlantic Tunas (ICCAT). Other provisions of the domestic regulations are also monitored through this collection of information, such as compliance with area closures, fishing seasons, and subquotas by gear type and/or user group. This information provides the catch data necessary to assess the status of bluefin tuna resources. Assessments are conducted and presented to ICCAT annually. The data provide the basis for ICCAT management recommendations which become binding on member nations. In addition, the Dealer Package provides essential information for domestic management policy and rule making.

II. Method of Collection

Dealers who buy, sell, or receive for commercial purposes any large, medium, or giant size class Atlantic bluefin tuna are required to report all transactions to NMFS via daily and biweekly reporting forms. These collect certain information for each Atlantic bluefin tuna that is sold at landing. Dealers who purchase any other types or sizes of Atlantic tuna, or Pacific coast dealers who export or import bluefin tuna, are required to submit biweekly reports only.

III. Data

OMB Number: 0648–0239
Form Number: None
Type of Review: Regular submission for extension of a currently approved collection
Affected Public: Business or other for-profit (tuna dealers)
Estimated Number of Respondents: 452
Estimated Time Per Response: 3 minutes for the daily reports, 16 minutes for the biweekly Atlantic report, 21 minutes for the Pacific biweekly report, and 13 minutes for the biweekly report on other Atlantic tunas.
Estimated Total Annual Burden Hours: 1,087 hours
Estimated Total Annual Cost: $0

IV. Request for Comments

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 (including hours and cost) 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 or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 26, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–4779 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–22–P

[I.D. 022696B]

Marine Mammals

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

ACTION: Receipt of application to modify permit no. 873 (P77(2) #63).

SUMMARY: Notice is hereby given that the Southwest Fisheries Science Center, National Marine Fisheries Service, P.O. Box 271, La Jolla, CA 92038–0271, has requested a modification to Permit No. 873.

DATES: Written comments must be received on or before April 1, 1996.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following office(s):

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289);

Director, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213 (310/980–4001); and

Coordinator, Pacific Area Office, NMFS, NOAA, 2570 Dole Street, Room 106, Honolulu, HI 9682–2396 (808/973–2987).

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, National Marine Fisheries Service, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject modification is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 217–222).

The Permit Holder is currently authorized to harass (i.e., through vessel approach, photogrammetry, and photographic identification, and tissue biopsy) several marine mammal species in Pacific, Southern, and Indian Oceans, over a 5-year period.

The Permit Holder is now requesting emergency modification of the Permit for authorization to increase the number of humpback whales (*Megaptera novaeangliae*) to be biopsy sampled from 20 to 100 for 1996, including 15 cow/calf pairs (i.e., 30 animals), in Hawaiian waters during the 1996 field season. In light of the Permittee's need to begin sampling activities in March 1996, or otherwise lose a unique research opportunity, we are considering whether this action meets legal criteria for granting the requested modification prior to the close of the 30-day comment period.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 26, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–4751 Filed 2–26–96; 4:53 pm]

BILLING CODE 3510–22–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Restraint Levels for Certain Cotton, Wool and Man-Made Textile Products Produced or Manufactured in Mexico

February 26, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing levels.

EFFECTIVE DATE: March 4, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these levels, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. 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 levels for Categories 340/640 and 443 are being increased for carryover.

These restrictions and consultation levels do not apply to NAFTA (North America Free Trade Agreement) originating goods, as defined in Annex 300–B, Chapter 4 and Annex 401 of the agreement. In addition, restrictions and consultation levels do not apply to textile and apparel goods that are assembled in Mexico from fabrics wholly formed and cut in the United States and exported from and re-imported into the United States under U.S. tariff item 9802.00.90.

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 60 FR 65299, published on December 19, 1995). Also see 60 FR 57404, published on November 15, 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 Annex 300(B) of the North America Free Trade 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

February 26, 1996.

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 November 8, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Mexico and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996. The levels established in that directive do not apply to NAFTA (North America Free Trade Agreement) originating goods, as defined in Annex 300–B, Chapter 4 and Annex 401 of NAFTA or to goods assembled in Mexico from fabrics wholly formed and cut in the United States and exported from and re-imported into the United States under U.S. tariff item 9802.00.90.

Effective on March 4, 1996, you are directed to increase the levels for the following categories, pursuant to the provisions of the agreement between the Governments of the United States, Mexico and Canada:

Category	Twelve-month restraint level [1]
340/640	152,945 dozen.
443	180,086 numbers.

[1] The levels have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–4852 Filed 2–29–96; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

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 services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 1, 1996.

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 October 13, December 8 and 29, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 53338, 63026 and 67351) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Administrative Services, Social Security Administration, Great Lakes Program Service Center, 600 West Madison Street, Chicago, Illinois

Janitorial/Custodial, Basewide, Fort Indiantown Gap, Annville, Pennsylvania

Operation of SERVMART, Naval Station, Everett Home Port, Everett, Washington

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–4856 Filed 2–29–96; 8:45 am]

BILLING CODE 6353–01–P

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to and Deletions from Procurement List.

SUMMARY: The Committee has received proposals to add to the Pocurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities,

and to delete commodities previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 1, 1996.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Cutting and Assembly of FTESFB for F–15, Robins Air Force Base, Georgia
NPA: Middle Georgia Easter Seal Society, Inc., Dublin, Georgia
Janitorial/Custodial, U.S. Army Health Clinic, Buildings 100, 101, 105, 162, 163, 165, 170, 170A and 170B, Fort McPherson, Georgia
NPA: WORKTEC, Jonesboro, Georgia
Janitorial/Custodial, Lenkalis USARC, 20 Washington Avenue West Hazelton, Pennsylvania
NPA: White Haven Center, White Haven, Pennsylvania

Deletions

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.

2. The action does not appear to have a severe economic impact on future contractors for the commodities.

3. The action will result in authorizing small entities to furnish the commodities 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 proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Neck Strap, Telephone
5965–00–340–6790
Cover, Service Cap
8405–01–046–8544
8405–01–046–8545

Beverly L. Milkman,

Executive Director.

[FR Doc. 96–4857 Filed 2–29–96; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Base Closure and Community Redevelopment and Homeless Assistance Act; Base Realignments and Closures; Economic Security

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This Notice provides the second partial list of closing or realigning military installations pursuant to the 1995 Defense Base Closure and Realignment (BRAC) Report, and the points of contact, addresses, and telephone numbers for the Local Redevelopment Authorities (LRAs) for those installations. Representatives of State and local governments and homeless providers interested in the reuse of an installation should contact the person or organization listed. The following information will be published in a newspaper of general circulation in the area of each installation. There will be additional Notices providing this same information about the LRAs for other closing or realigning installations as those LRAs are recognized by the Office of Economic Adjustment (OEA).

EFFECTIVE DATE: March 1, 1996.

FOR FURTHER INFORMATION CONTACT: Helene O'Connor, Office of Assistant Secretary of Defense for Economic Security, Office of Economic Adjustment, 400 Army Navy Drive, Suite 200, Arlington, VA 22202, (703) 604–5948.

Local Redevelopment Authorities (LRAs) for Closing and Realigning Military Installations

ARKANSAS

Installation Name: Fort Chaffee
LRA Name: Fort Chaffee Redevelopment Authority
Point of Contact: Mr. W. R. Harper, Sebastian County Judge
Address: County Court House, 35 South 6th Street, Fort Smith, Arkansas 72901
Phone: (501) 783–6139

CALIFORNIA

Installation Name: Long Beach Naval Shipyard
LRA Name: City of Long Beach
Point of Contact: Mr. Gerald Miller
Address: 200 Pine Avenue, Suite 400, Long Beach, California 90802
Phone: (310) 570–3851

Installation Name: McClellan Air Force Base
LRA Name: Board of Supervisors Sacramento County
Point of Contact: Mr. Rob Leonard
Address: 700 H Street, Room 7650, Sacramento, California 95814
Phone: (916) 440–5833

Installation Name: Rio Vista Army Reserve Center
LRA Name: Rio Vista Local Redevelopment Authority
Point of Contact: Mr. Norman Repanich
Address: City of Rio Vista, 1 Main Street, Rio Vista, CA 94571
Phone: (707) 374–6451

Installation Name: Sierra Army Depot
LRA Name: Sierra Army Depot Local Reuse Authority
Point of Contact: Mr. Patrick Landon
Address: 707 Nevada Street, Room 236, Susanville, California 96130
Phone: (916) 251–8308

GUAM

Installation Name: Navy Ship Repair Facility, Guam Naval Activities, Guam Fleet and Industrial Supply Center, Guam
LRA Name: Government of Guam
Point of Contact: Mr. Larry Toves
Address: Cabras Highway, Suite 201, Piti, Guam 96925
Phone: 011(671)477–5931

ILLINOIS

Installation Name: Savanna Army Depot
LRA Name: Savanna Army Depot Local Redevelopment Authority

Point of Contact: Mr. Steven M. Haring
Address: P.O. Box 325, Savanna, Illinois 61074
Phone: (815) 273–4371

MASSACHUSETTS

Installation Name: Naval Air Station South Weymouth
LRA Name: Naval Air Station Planning Committee
Point of Contact: Ms. Mary S. McElroy
Address: Base Transition Field Office, 1134 Main Street, South Weymouth, Massachusetts 02190–5000
Phone: (617) 682–2187

Installation Name: Squantum Gardens and Naval Terrace
LRA Name: City of Quincy
Point of Contact: Mayor James A. Sheets
Address: City Hall, 1305 Hancock Street, Quincy, Massachusetts 02169
Phone: (617) 376–1990

NEW JERSEY

Installation Name: Camp Kilmer
LRA Name: Township of Edison
Point of Contact: Mayor George A. Spadoro
Address: 100 Municipal Boulevard, Edison, New Jersey 08816
Phone: (908) 248–7298

Installation Name: Camp Pedricktown
LRA Name: Oldmans Township Committee
Point of Contact: Mayor George W. Bradford
Address: Oldmans Township, P.O. Box P, Pedricktown, New Jersey 08067
Phone: (609) 299–0780

NEW YORK

Installation Name: Fort Totten
LRA Name: Fort Totten Redevelopment Authority
Point of Contact: Mr. David Nocenti
Address: Counsel to the Borough President, 120–55 Queens Boulevard, New Gardens, New York 11424–1015
Phone: (718) 286–2880

TEXAS

Installation Name: Kelly Air Force Base
LRA Name: Greater Kelly Development Corporation
Point of Contact: Mr. Paul Roberson
Address: Municipal Plaza Building, 10th Floor, 114 West Commerce Street, San Antonio, Texas 78204
Phone: (210) 207–2147

WASHINGTON

Installation Name: Camp Bonneville
LRA Name: Camp Bonneville Local Redevelopment Authority
Point of Contact: Ms. Janice Davin
Address: Clark County Department of Public Works, 1300 Esther Street, P.O. Box 9810, Vancouver, Washington 98666–9810
Phone: (360) 699–2475 Ext. 4330

Dated: February 26, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–4749 Filed 2–29–96; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF ENERGY

[FE Docket No. EA–111]

Application To Export Electricity; Northeast Utilities Service Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: Northeast Utilities Service Company (NUSCO) has requested authorization to export electric energy to Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before April 1, 1996.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Electricity (FE–52), Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585–0350.

FOR FURTHER INFORMATION CONTACT: Warren E. Williams (Program Office) 202–586–9629 or Michael T. Skinker (Program Attorney) 202–586–6667.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C.§ 824a(e)).

On January 31, 1995, NUSCO filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for authorization to export electric energy to Canada pursuant to section 202(e) of the FPA. NUSCO is a Connecticut corporation that provides centralized services to and acts as agent for the Northeast Utilities (''NU'') System. NU is an investor-owned registered electric utility holding company made up of the following operating companies: The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Power and Electric Company, Holyoke Water Power Company, and Public Service Company of New Hampshire.

In its application, NUSCO asserts that the NU System companies currently have, and will have for more than a decade, generating resources greater than those needed to serve their retail customers and committed sales. Therefore, NUSCO proposes to sell surplus electric energy, when available, to Canada, specifically, Hydro-Quebec.

NUSCO proposes to transmit the exported energy to Hydro-Quebec over the international transmission facilities of Vermont Electric Transmission Company. These facilities, also known as the New England/Hydro-Quebec (NE/HQ) Interconnection, consist of a 450-kilovolt (kV), direct current (DC) transmission line that extends from the Sandy Point converter terminal located between the towns of Ayer and Groton, Massachusetts, to the Comerford converter terminal located in the town of Monroe, New Hampshire, and from there to the U.S.-Canada border in the vicinity of Norton, Vermont. The construction of these facilities previously was authorized by DOE in Presidential Permit PP–76. The NU System companies have the right to use 33% of the transfer capacity of the PP–76 facilities for transactions with Hydro-Quebec. In FE Order EA–76–C (February 19, 1993), the New England Power Pool was authorized to use the PP–76 facilities in the export mode at a maximum rate of transmission of 2000 megawatts (MW). Accordingly, NUSCO has requested that FE authorize an electricity export of approximately 665 MW, or 33% of the total capability of the NE/HQ Interconnection.

Procedural Matters

Any persons desiring to be heard or to protest this application should file a petition to intervene or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the Rules of Practice and Procedure (18 CFR 385.211, 385.214). Fifteen copies of such petitions and protests should be filed with the DOE on or before the date listed above. Additional copies are to be filed directly with: Mr. John Ash and Ms. Phyllis E. Lemell, Northeast Utilities Company, P.O. Box 270, Hartford, CT 06140–0270, (860) 665–5626.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to the National Environmental Policy Act of 1969 (NEPA), and a determination is made by the DOE that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above.

Issued in Washington, DC, on February 27, 1996.

Anthony J. Como,

Director, Office of Coal & Electricity, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 96–4827 Filed 2–29–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Environment, Safety and Health; Notice of Availability of Funds and Request for Applications To Support Medical Surveillance for Former Department of Energy Workers

AGENCY: Office of Environment, Safety and Health, Department of Energy.

ACTION: Notice of Availability of Funds and Request for Applications.

SUMMARY: The Department of Energy (DOE) Office of Environment, Safety and Health (EH) announces the availability of funds to evaluate former workers whose employment at departmental facilities may have placed their long-term health at significant risk. This Request for Applications is a follow on to a more general, annual notice of potential availability of grants and cooperative agreements for epidemiology and other health studies published in the Federal Register (60 FR 50562) on September 29, 1995.

DATES: Applications submitted in response to this announcement must be received by May 15, 1996.

FOR FURTHER INFORMATION CONTACT: Requests for further information and application forms may be directed to Dr. John Peeters, Office of Occupational Medicine and Medical Surveillance (EH–61), U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290; Telephone: (301) 903–5902; facsimile: (301) 903–5072. Applications may be submitted to Dr. Peeters at the address listed above.

SUPPLEMENTARY INFORMATION:

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I. Purpose
II. Project Description
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I. Purpose

Section 3162 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) directs the Secretary of Energy, in consultation with the Secretary of Health and Human Services, to develop a program of medical evaluation for current and former DOE workers at significant risk for health problems due to exposures to hazardous or radioactive substances during employment.

Approximately five medical surveillance projects will be funded through cooperative agreements to identify, and, where appropriate, notify and medically screen groups of former workers who are potentially at significant risk for health problems due to work-related exposures. Because medical surveillance for former workers is a highly complex process, DOE is proposing to fund at this time cooperative agreements for a limited number of projects as described below.

Experience with these projects will help DOE to evaluate options for a more comprehensive medical surveillance program for former workers and to determine how such a program can be effectively integrated with other ongoing site activities.

II. Project Description

DOE intends to award approximately five cooperative agreements with specific goals. The goals of the projects are to:

- Identify groups of workers at significant risk for occupational diseases.
- Notify members of these risk groups.
- Offer these workers medical screening that can lead to medical interventions.

Each cooperative agreement will potentially have two phases. Phase I will be a needs assessment. Phase II will be the implementation of medical screening.

There will be approximately five awards totalling about $2.5 million for phase I. Phase I will take approximately 12 months. Phase II could continue up to 4 years, renewable annually. The award continuation for phase II, if made, will be based on the results from phase I, the availability of funds, and negotiation of the costs for phase II. Only those who participate in phase I will be eligible to participate in phase II.

Phase I

During phase I, the applicants will conduct a comprehensive needs assessment. The needs assessment will include a review of existing site-specific information and other means to initially identify the most significant radiation and nonradiation exposures. During phase I, investigators will:

1. Identify existing information relevant to exposure and health outcomes among former workers;
2. Utilize this information to identify or develop viable methods for contacting these former workers;
3. Provide an initial determination of the most significant worker hazards, problems and concerns for each site;
4. Identify approaches for conducting the project in partnership with unions, site management, operating contractors, community representatives, and State and local health officials; and
5. Attend semiannual DOE-coordinated meetings of investigators to share information on ongoing needs assessments.

During phase I, investigators will develop a detailed plan and proposed budget for phase II focusing on the groups of workers at significant risk for health effects. This plan for phase II is expected at least 60 days prior to the conclusion of phase I. Phase I will conclude with delivery of the needs assessment to DOE.

Phase II

DOE will determine the need for phase II activities and will support these efforts through continuation awards to phase I participants for new budget periods. Where phase II plans are approved by DOE, the investigators will:

1. Identify and locate those former workers who based on their actual or probable exposure history are ''at risk'';
2. Ascertain the health concerns of former workers identified in task 1 related to their past DOE employment;
3. Communicate risk information to former workers regarding the nature of their health risk and discuss the actions that could be taken;
4. Provide medical screening to targeted former worker populations based on exposure history and the availability of acceptable screening tests;
5. Assist in the coordination of referrals, diagnostic workup, and followup treatment, including the coordination with workman's compensation and other existing insurance and benefits programs;
6. Ensure dialogue with local parties concerned with the project;
7. Evaluate former workers satisfaction with the project; and
8. Attend semiannual DOE-coordinated meetings of investigators to share information on ongoing screening programs.

Potential Sites

Applicants for the cooperative agreements will propose individual (or alternative groups of) DOE sites for study and justify the factors in site(s) selection. Such factors should consider:

1. The presence of existing worker and community health programs;
2. Availability of information on former workers and their exposures;
3. The levels and types of exposures;
4. The number of former workers and access to them;
5. The concerns of workers about specific past exposures;
6. The concerns of DOE site managers and operating contractors about specific past exposures; and
7. The concerns of both national and local unions about past exposures.

III. Applications

This Notice of Availability is issued pursuant to DOE regulations contained in 10 CFR Part 602: Epidemiology and Other Health Studies Financial Assistance Program, as published in the Federal Register on January 31, 1995 (60 FR 5841). The Catalog of Federal Domestic Assistance number for 10 CFR part 602 is 81.108, and its solicitation control number is EOHSFAP 10 CFR part 602. 10 CFR 602 contains the specific requirements for applications, evaluation, and selection criteria. Only those applications following these specific criteria and forms will be considered. Application forms may be obtained at the address cited above. Applications will be peer reviewed by evaluators apart from DOE employees and contractors as described under section 10 CFR 602.9(c), and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

IV. Proposal Format

The proposal shall contain two sections, technical and cost. Technical proposals shall be no more than fifty (50) pages in length; resumes of proposed key personnel should be submitted as an appendix to the technical proposal and will not be counted against the page limit. Cost proposals shall have no page limit. Because each project will be conducted in two phases, and the scope of phase II is dependent on the results of phase I, the technical description for phase II may be less specific than that for phase I, but must clearly demonstrate a capability to conduct phase II. It is left to the proposer to determine how best to structure the proposal. However, the following information shall be included:

a. Proposals shall include a detailed project description that discusses the specific tasks to be performed under the proposed project. At a minimum, the tasks listed under section II above must be described. The project description must include clear statements of what is not known and what is uncertain, as well as statements of what is known. The project description must describe how independent, external peer review of the results of the project will be conducted. The project description must demonstrate that the offeror has the ability to integrate their work with the activities of other organizations conducting medical surveillance activities.

b. Proposals must demonstrate the competency of research personnel and the adequacy of resources. Proposals must demonstrate that the offeror is perceived as neutral and credible, and is capable of conducting scientifically valid and responsible medical surveillance projects.

Proposals must demonstrate that the offeror has the experience and capability to plan, organize, manage, and facilitate worker and union participation in planning and execution. Proposals must also demonstrate that the offeror has the experience and ability to effectively communicate complicated scientific information on potential risks and uncertainties, to workers, local and national stakeholders, concerned citizens, and decision makers at all levels. Proposals must demonstrate that the offeror presently has or is capable of obtaining staff with the training, expertise, and experience needed to conduct scientifically complex needs, assessments and medical surveillance programs. Proposals must identify the technical and scientific staff that will actually conduct the studies and detail their professional experience, as well as their level of program involvement. Proposals must demonstrate that the offeror has capability, for both financial and scientific management, and a demonstrated skill in planning and scheduling projects of comparable magnitude to those proposed under this Request for Applications.

c. The cost proposal must include a summary breakdown of all costs, and provide a detailed breakdown of costs on a task-by-task basis for each task contained in the project description. Any expectation concerning cost sharing must be clearly stated. Cost sharing is encouraged, but it will not be considered in the selection process.

V. Evaluation Criteria

DOE will evaluate applications based upon the following criteria in 10 CFR 602.9(d) that are listed in descending order of importance:

1. The scientific and technical merit of the proposed research;
2. The appropriateness of the proposed method or approach;
3. Competency of research personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

VI. DOE's Role

In order for DOE to utilize cooperative agreements for these medical surveillance projects, there must be substantial involvement between DOE and any awardee(s). DOE established the core tasks for these projects and prepared this Federal Register Notice of Availability. DOE will conduct the selection and award process, which will include evaluations by persons outside the Federal government. DOE will evaluate the results of phase I and, where warranted, authorize and fund phase II. DOE will facilitate awardee access to the target sites and exposure records. DOE will establish requirements and controls for data collection and handling. DOE will consult with project investigators and coordinate semiannual meetings. DOE will interact with an independent advisory group that will provide advice to DOE and to project investigators.

Finally, DOE will monitor and evaluate the results of the projects, including the participant's level of satisfaction, to determine how these pilots could be expanded to other groups of former workers both at the project sites and at other DOE sites. In addition to helping former workers, information gained from these projects will contribute to DOE's ongoing efforts to improve health and safety programs for current workers.

VII. Applicants

Applicants for the cooperative agreements could include domestic nonprofit and for profit organizations, universities, medical centers, research institutions, other public and private organizations, including State and local governments, labor unions and other employee representative groups, and small, minority and/or women-owned businesses. Consortiums of interested organizations are encouraged to apply. Awardees for each project will work cooperatively with former workers, DOE site officials, DOE operating contractors, labor organizations, health officials, and designated community representatives.

Issued in Washington, D.C., on February 23, 1996.

Paul J. Seligman,

Deputy Assistant Secretary for Health Studies.

[FR Doc. 96–4826 Filed 2–29–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EG96–45–000, et al.]

Yichange CMI Power Developement Company, Ltd., et al.; Electric Rate and Corporate Regulation Filings

February 23, 1996.

Take notice that the following filings have been made with the Commission

1. Yichang CMI Power Development Company, Ltd.

[Docket No. EG96–45–000]

On February 20, 1996, Yichang CMI Power Development Company, Ltd. (''Applicant''), whose business address is Yichang Economic and Technological Development Zone, Yichang, Hubei Province, People's Republic of China, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant intends, directly or indirectly, to own or operate all or part of eligible facilities, including without limitation a 24 MW electric generating facility located in Hubei Province in the People's Republic of China.

Comment date: March 15, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Jamaica Energy Partners

[Docket No. EG96–46–000]

On February 20, 1996, Jamaica Energy Partners, c/o Wartsila Power Development, Inc., 116 Defense Highway, Suite 301, Annapolis, Maryland 21491, filed with the Federal Energy Regulatory Commission an application for redetermination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

Applicant will own an approximately 76 MW floating diesel-engine-powered electric generating facility located at Old Harbour Bay, Jamaica. The Facility's electricity will be sold exclusively at wholesale, with the possible exception of some retail sales in Jamaica. None of the electric energy generated by the Facility will be sold to consumers in the United States.

Redetermination of exempt wholesale generator status is sought to reflect that Montana Power Company and Illinois Power Company have become affiliate and associate companies of Applicant.

Comment date: March 15, 1996, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Duquesne Light Company

[Docket No. ER96–1018–000]

Take notice that on February 5, 1996, Duquesne Light Company (DLC) filed a Service Agreement dated January 9, 1996, with Allegheny Electric Cooperative, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds Allegheny Electric Cooperative, Inc. as a customer under the Tariff. DLC requests an effective date of January 9, 1996 for the Service Agreement.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Montaup Electric Company

[Docket No. ER96–1090–000]

Take notice that on February 20, 1996, Montaup Electric Company (Montaup), tendered for filing tariffs providing for point-to-point and network transmission service which Montaup states are consistent in all substantive respects with the terms and conditions of service contained in the draft pro forma tariffs included in the Notice of Proposed Rulemaking in ''Promoting Wholesale Competition Through Open-Access Non-Discriminatory Transmission Services by Public Utilities,'' Docket No. RM95–8–000. Montaup also tendered for filing amendments to its system sales tariff to place the transmission of those sales under its proposed point-to-point tariff. Montaup asks that the Commission allow the filing to become effective on April 21, 1996.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. IES Utilities Inc.

[Docket No. ER96–1091–000]

Take notice that on February 20, 1996, IES Utilities Inc. (IES), tendered for filing proposed changes in its FERC Electric Service Tariff, Original Volume 1. The proposed changes would amend the IES and Central Iowa Power Cooperative (CIPCO) Operating and Transmission Agreement by adding Appendix 14.

Appendix 14 deals with the division of revenues received via the Mid-America Power Pool (MAPP) Transmission Service Change. IES and CIPCO operate a combined control area and are recognized as one entity by MAPP. Power sales/purchases that utilize the IES/CIPCO transmission system will result in a revenue stream to IES/CIPCO from MAPP. The method in Appendix 14 divides these revenues on the basis of installed rules of high voltage transmission line averaged with installed MVA of transmission voltage transformers for each of the parties.

Copies of the filing were served upon CIPCO and the Iowa State Utilities Board.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Power, Inc.

[Docket No. ER96–1092–000]

Take notice that on February 20, 1996, Entergy Power, Inc. (Entergy Power), tendered for filing a unit power sale agreement between Entergy Power and City of Tallahassee. Entergy Power requests an effective date for the Agreement of March 1, 1996, and respectfully requests waiver of the Commission's notice requirements under § 35.11 of the Commission's Regulations.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER96–1093–000]

Take notice that on February 20, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Electric Sales Agreement, dated February 1, 1996, between Cinergy, CG&E, PSI and WestPlains Energy-Kansas (WPE–KS).

The Electric Sales Agreement provides for the following service between Cinergy and WPE–KS:

1. Service Schedule A—Emergency Service
2. Service Schedule B—System Energy
3. Service Schedule C—Negotiated Capacity and Energy

Cinergy and WPE–KS have requested an effective date of March 1, 1996.

Copies of the filing were served on WestPlains Energy-Kansas, the State Corporation Commission, the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Louisville Gas and Electric Company

[Docket No. ER96–1094–000]

Take notice that on February 20, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Rainbow Energy Marketing Corporation under Rate GSS.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Louisville Gas and Electric Company

[Docket No. ER96–1095–000]

Take notice that on February 20, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Louis Dreyfus Electric Power Inc. under Rate GSS.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company

[Docket No. ER96–1096–000]

Take notice that on February 20, 1996, Louisville Gas and Electric Company, tendered for filing copies of a service agreement between Louisville Gas and Electric Company and Koch Power Services Inc. under Rate GSS.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company

[Docket No. ER96–1097–000]

Take notice that on February 20, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Catex Vitol Electric under Rate GSS.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Louisville Gas and Electric Company

[Docket No. ER96–1098–000]

Take notice that on February 20, 1996, Louisville Gas and Electric Company, tendered for filing copies of service agreements between Louisville Gas and Electric Company and Noram Energy Services under Rate GSS.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. PECO Energy Company

[Docket No. ER96–1099–000]

Take notice that on February 20, 1996, PECO Energy Company (PECO), filed a Service Agreement dated February 1, 1996, with Commonwealth Edison Company (Commonwealth Edison) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds Commonwealth Edison as a customer under the Tariff.

PECO requests an effective date of February 1, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to Commonwealth Edison and to the Pennsylvania Public Utility Commission.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Illinois Power Company

[Docket No. ER96–1100–000]

Take notice that on February 20, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm and non-firm transmission agreements under which MidCon Power Services Corp. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreement in Illinois Power's tariff.

Illinois Power has requested an effective date of January 17, 1996.

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. John E. Lobbia

[Docket No. ID–2478–001

Take notice that on December 28, 1995, John E. Lobbia, (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Chief Executive Officer, Chairman and Director—Detroit Edison Company
Director—NBD Bank, Detroit

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Terence E. Adderley

[Docket No. ID–2930–000]

Take notice that on December 28, 1995, Terence E. Adderley, (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Director—Detroit Edison Company
Director—First Chicago NBD Corporation

Comment date: March 8, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4767 Filed 2–29–96; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2170–003 Alaska]

Chugach Electric Association, Inc.; Notice of Availability of Environmental Assessment

February 26, 1996.

An environmental assessment (EA) is available for public review. The EA is for an application to amend the license for the Cooper Lake Project. The application is to relocate an approximately 1.7-mile-long section of the project's existing 115-kilovolt transmission line and associated 100-foot-wide right-of-way. The EA finds that approval of the application would not constitute a major Federal action significantly affecting the quality of the human environment. The Cooper Lake Project is located on Cooper Lake, Cooper Creek, Kenai Lake in the Municipality of Anchorage, Alaska.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA are available for review at the Commission's Reference and Information Center, Room 2–A, 888 First Street, N.E., Washington, DC 20426.

For further information, please contact Jon Cofrancesco at (202) 219–0079.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4765 Filed 2–29–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–153–000]

Southern Natural Gas Company; Notice of Intent To Prepare an Environmental Impact Statement for the Proposed North Alabama Pipeline Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meeting

February 26, 1996.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental impact statement (EIS) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the North Alabama Pipeline Project.[1] This EIS will be used by the Commission in its decision-making process to determine whether to approve the project.

We are asking a number of Federal agencies to indicate whether they wish

[1] Southern Natural Gas Company's application was filed with the Commissioner under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

to cooperate with us in the preparation of the EIS. These agencies are listed in appendix 1 and may choose to participate once they have evaluated each proposal relative to their agencies' responsibilities.[2]

Summary of the Proposed Project

Southern Natural Gas Company (Southern) wants to expand the capacity of its facilities in Alabama to transport an additional 76,350 thousand cubic feet per day of natural gas to five local distribution companies. Southern seeks authority to construct and operate:

- About 105 miles of 16-inch-diameter pipeline in Tuscaloosa, Fayette, Walker, Cullman, Morgan, and Madison Counties, Alabama. The proposed pipeline would begin at a tie-in at Southern's existing McConnells Compressor Station in Tuscaloosa County, Alabama, and proceeds northeast to its termination in Madison County, Alabama;
- Two new meter stations: Huntsville Meter Station and North Alabama Gas District Meter Station, both located in Madison County, Alabama;
- About 8.5 miles of 12-inch-diameter lateral and the Decatur Meter Station in Morgan County, Alabama;
- One additional 1,600-horsepower (hp) compressor at Southern's existing McConnells Compressor Station in Tuscaloosa County, Alabama; and
- One additional 4,700-hp compressor at Southern's recently authorized Providence Compressor Station (approved by the Commission in May 1995 in Docket No. CP95–505–000) in Tuscaloosa County, Alabama.

The general location of the project facilities are shown in appendix 2.[3]

Land Requirements for Construction

Construction of the proposed facilities would require about 935 acres of land. Following construction, about 329 acres would be maintained as new right-of-way. The remaining 606 acres of land would be restored and allowed to revert to its former use.

Southern proposes to use a 70-foot-wide right-of-way in nonagricultural areas; and a 90-foot-wide right-of-way in agricultural areas. Southern proposes to maintain a 50-foot-wide permanent easement.

The EIS Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EIS. All comments received are considered during the preparation of the EIS. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EIS will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and Soils

—Seismology and soil liquefaction.
—Hazardous waste.
—Effect of blasting.
—Topsoil/subsoil mixing.
—Soil compaction.
—Erosion control.
—Right-of-way restoration.

- Water Resources

—Groundwater withdrawal and discharge to surrounding surface waters.
—Directional drilling of the Tennessee River.
—128 perennial waterbody crossings, including Sipsey Fork, Lost River, and the North River.
—Effect on water quality and riparian resources.

- Biological Resources

—Effect of pipeline construction and operation on wildlife and fisheries habitat.
—Effect on federally threatened, endangered, or sensitive animal and plant species and their habitats.
—Effect on forested wetlands and other wetland habitats.

- Cultural Resources

—Effect on historic and prehistoric sites.
—Native American and tribal concerns.

- Land Use

—Impact on Wheeler Wildlife Refuge and other areas of critical environmental concern.
—Consistency with local land use plans and zoning.
—Impact on residences and recreation areas.

- Air Quality and Noise

—Air quality and noise impacts associated with construction.
—Effect on local and regional air quality and local noise environment as a result of operation of additional compression at the McConnells and Providence Compressor Stations.

- Reliability and Safety

—Assessment of hazards associated with natural gas pipelines.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will result in the publication of a Draft EIS which will be mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for these proceedings. A 45–day comment period will be allocated for the review of the Draft EIS. We will consider all comments on the Draft EIS and revise the document, as necessary, before issuing a Final EIS. The Final EIS will include our response to each comment received.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Southern. Keep in mind that this is a preliminary list:

- Twenty-three federally listed endangered or threatened species may occur in the proposed project area.
- About 33 acres of forested wetlands would be affected.
- About 128 perennial streams, several over 50 feet-wide, would be crossed by the proposed project.
- About 391 acres of upland forest would be affected.
- The proposed pipeline crosses the Wheeler National Wildlife Refuge (Tennessee River) from mileposts (MP) 107.81 to 108.72.
- Nineteen residences are located within 50 feet of the proposed construction right-of-way.

The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

[2] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426 or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

[3] The appendices referenced in this notice are not being printed in the Federal Register. Copies are available from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Two nonjurisdictional small-diameter pipeline laterals are associated with this proposal. These laterals would service the municipal of Decatur and Huntsville, Alabama. We have determined that those facilities will be included in the environmental document.

Public Participation/Scoping Meeting

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Washington, D.C. 20426;
- Reference Docket No. CP96–153–000;
- Send a copy of your letter to: Ms. Alisa Lykens, EIS Project Manager, Federal Energy Regulatory Commission, 888 First St., N.E., PR 11.1, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before April 5, 1996.

Beyond asking for written comments, we invite you to attend our public scoping meeting that will be held on Monday, April 1, 1996 at 7:00 p.m., at the Sheraton Airport Inn, 1000 Glenn Hearn Blvd., Huntsville, Alabama 35824, (205) 772–9661.

The purpose of the scoping meeting is to obtain input from state and local governments and from the public. Federal agencies have formal channels for input into the Federal process (including separate meetings where appropriate) on an interagency basis. Federal agencies are expected to transmit their comments directly to the FERC and not use the scoping meetings for this purpose.

Southern will be invited to present a description of its proposal at the scoping meeting. Interested groups and individuals are encouraged to attend the meeting and present oral comments on the environmental issues which they believe should be addressed in the Draft EIS. The more specific your comments, the more useful they will be. Anyone who would like to make an oral presentation at the meeting should contact the EIS Project Manager identified at the end of this notice to have his or her name placed on the list of speakers. Priority will be given to those persons representing groups. A list will be available at the public meeting to allow for non-preregistered speakers to sign up. A transcript will be made of the meeting and comments will be used to help determine the scope of the Draft EIS.

Becoming an Intervenor

In addition to involvement in the EIS scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 3).

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 § 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 scoping comments considered.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested and/or potentially affected by the proposed project. It is also being sent to all potential right-of-way grantors to solicit focused comments regarding environmental considerations related to the proposed project.[4] As details of the project become established, representatives of Southern will directly contact landowners, communities, and public agencies concerning any other matters, including acquisition of permits and rights-of-way.

If you do not want to send comments at this time but still want to keep informed and receive copies of the Draft and Final EISs, please return the Information Request (appendix 4). If you do not return the Information Request you will be taken off the mailing list.

Additional information about the proposed project is available from Ms. Alisa Lykens, EIS Project Manager, at (202) 208–0766.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4766 Filed 2–29–96; 8:45 am]

BILLING CODE 6717–01–M

[4] Southern has supplied a preliminary landowner list. This list is based on the ownership of the land containing the existing right-of-way. A supplemental mailing will be made, if necessary, after the route has been surveyed.

[Project Nos. 10773–015, et al.]

Hydroelectric Applications [Alaska Aquaculture, Inc. et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of Application: Amendment of license.

b. Project No: 10773–015.

c. Date Filed: Original date: March 13, 1995. Supplemental date: February 8, 1996.

d. Applicant: Alaska Aquaculture, Inc.

e. Name of Project: Burnett River Hatchery.

f. Location: First Judicial District Alaska.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. Section 791(a)–825(r).

h. Applicant Contact: Mr. Tod Jones, Box 830, 730 Case Ave., Suite C, Wrangell, AK 99929, (907) 874–2250.

i. FERC Contact: Susan Tseng, (202) 219–2798.

j. Comment Date: April 3, 1996.

k. Description of Project: Alaska Aquaculture has filed an application to approve revised exhibit G drawings for the Burnett River Hatchery. The revised exhibit G drawings show a change in project boundary for the project. The amount of federal lands within the project boundary for the project would decrease from 550 acres to 170 acres.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

2 a. Type of filing: Notice of Intent to File Application for New License.

b. Project No.: 2060.

c. Date filed: January 22, 1996.

d. Submitted By: Niagara Mohawk Power Corporation, current licensee.

e. Name of Project: Carry Falls.

f. Location: On the Raquette River, in the Town of Colton, St. Lawrence County, New York.

g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: February 1, 1951.

i. Expiration date of original license: January 31, 2001.

j. The project consists of: (1) a 76-foot-high, 830-foot-long concrete gravity-type

dam with an overflow spillway; (2) two 14.5-foot by 27-foot Tainter regulating gates; (3) an intake for future power installation; (4) five earth dikes with lengths varying from 320 feet to 1,015 feet and maximum heights varying from 12 feet to 31 feet; (5) a 5-mile-long reservoir having a 3,170 acre surface area and a 114,000 acre-foot storage capacity at normal pool elevation 1,385 feet m.s.l.; and (6) appurtenant facilities. The project has no installed generating capacity.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Niagara Mohawk Power Corporation, Hydro Licensing & Regulatory Compliance, D–2, 300 Erie Boulevard West, Syracuse, New York 13202, Contact: Jerry L. Sabattis (315) 428–5582.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 1999.

3 a. Type of filing: Notice of Intent to File Application for New License.

b. Project No.: 2084.

c. Date filed: January 22, 1996.

d. Submitted By: Niagara Mohawk Power Corporation, current licensee.

e. Name of Project: Upper Raquette River.

f. Location: On the Raquette River, in the Towns of Colton and Parishville, St. Lawrence County, New York.

g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: February 1, 1952.

i. Expiration date of original license: January 31, 2002.

j. The project consists of five developments:

(1) the Stark Falls Development comprising: (a) a 35-foot-high concrete gravity-type dam with a concrete overflow section and a control gate section flanked by earth dikes; (b) six earth saddle dikes; (c) a 1.5-mile-long reservoir at normal pool elevation 1,355.0 feet USGS; (d) an intake; (e) a penstock; (f) a powerhouse containing a 23,872–Kw generating unit; and (g) appurtenant facilities;

(2) the Blake Falls Development comprising: (a) a 75-foot-high concrete gravity-type dam with a concrete overflow section; (b) an earth dike; (c) a 5.5-mile-long reservoir at normal pool elevation 1,250.5 feet USGS; (d) an intake; (e) a penstock; (f) a powerhouse containing a 13,913–Kw generating unit; and (g) appurtenant facilities;

(3) the Rainbow Falls Development comprising: (a) a 75-foot-high concrete gravity-type dam with a concrete overflow section flanked by a 1,600-foot-long earth dike; (b) an earth saddle dike; (c) a 3.5-mile-long reservoir at normal pool elevation 1,181.5 feet USGS; (d) an intake; (e) a penstock; (f) a powerhouse containing a 22,828–Kw generating unit; and (g) appurtenant facilities;

(4) the Five Falls Development comprising: (a) a 50-foot-high concrete gravity-type dam with a concrete overflow section flanked at each end by an earth dike; (b) a 1.0-mile-long reservoir at normal pool elevation 1,077.0 feet USGS; (c) an intake; (d) a 1,200-foot-long penstock; (e) a powerhouse containing a 22,828–Kw generating unit; and (f) appurtenant facilities; and

(5) the South Colton Development comprising: (a) a 45-foot-high concrete gravity-type dam with a concrete overflow section and earth abutments; (b) a 1.5-mile-long reservoir at normal pool elevation 973.5 feet USGS; (c) an intake; (d) a 1,300-foot-long penstock; (e) a powerhouse containing an 18,948–Kw generating unit; and (f) appurtenant facilities.

The project has a total installed capacity of 102,389–Kw.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Niagara Mohawk Power Corporation Hydro Licensing & Regulatory Compliance, D–2, 300 Erie Boulevard West, Syracuse, New York 13202, Contact: Jerry L. Sabattis (315) 428–5582.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 2000.

4 a. Type of Application: Plans and specifications for the Queensbury Site Remedial Action Plan.

b. Project No.: 2482.

c. Dated Filed: February 12, 1996.

d. Applicant: Niagara Mohawk Power Corp. (NIMO).

e. Name of Project: Hudson Project, Sherman Island Development.

f. Location: Hudson River, at Corinth Road, 4 miles west of the City of Glens Falls, Warren County, New York.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Mr. Sam S. Hirschey, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, NY 13202 (315) 428–5561.

i. FERC Contact: Joseph C. Adamson, (202) 219–1040.

j. Comment Date: March 25, 1996.

k. Description of Proposed Action: NIMO filed, for Commission approval, plans and specifications for the Queensbury Site Remedial Action Plan for the removal of polychlorinated biphenyls (PCBs) contaminated sediments within the project boundary. The site consists of approximately 0.75 acre of upland and 8 acres of contaminated sediment along the shoreline of the Hudson River. The proposal consists of removing approximately 5,150 tons of contaminated sediment from the site, of which 3,800 tons are non-hazardous and 1,250 tons hazardous. The hazardous sediment will be transported and deposited in a hazardous material disposal site. The removal plan consists of: (a) lowering the project's reservoir by 4 feet to the approximate elevation of 346 feet; (b) installing a water-filled bladder cofferdam along the edge of the river side of the site; (c) excavation of near shore material to a uniform depth of 2 feet; (d) excavation of upland soil to a uniform depth of 1 foot, within the upland soil excavation limits; and (e) placement of erosion and sediment control measures. After removal is completed the site will be restored. The restoration plan consists of: (a) backfilling the site with 5,000 tons of backfill material and 1,550 tons of topsoil; (b) grading and placement of rip rap, a boulder edge system, stone channels, and a boulder wall; and (b) revegetating the site with woody species and field grass.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

5 a. Type of filing: Notice of Intent to File An Application for a New License.

b. Project No.: 2697.

c. Date filed: January 31, 1996.

d. Submitted By: Northern States Power Company, current licensee.

e. Name of Project: Cedar Falls.

f. Location: On Red Cedar River, in Dunn County, Wisconsin.

g. Filed Pursuant to: 18 CFR 16.6 of the Commission's regulations.

h. Effective date of original license: April 17, 1956.

i. Expiration date of original license: January 31, 2001.

j. The project consists of: (1) a 19-foot-high, 508-foot-long concrete dam; (2) a 7-mile-long reservoir having an 1,800 acre surface area at normal pool

elevation; (3) an intake structure; (4) a penstock; (5) a powerhouse containing three generators with a total installed capacity of 6,000-kW; and (6) appurtenant facilities.

k. Pursuant to 18 CFR 16.7, information on the project is available at: Northern States Power Company, 100 North Barstow street, P.O. Box 8, Eau Claire, WI 54702, Contact: Lloyd Everhart (715) 839–2692.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.8, 16.9, and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by January 31, 1999.

6 a. Type of Application: Major License.

b. Project No.: 10805–002.

c. Date filed: September 25, 1992.

d. Applicant: Midwest Hydraulic Company.

e. Name of Project: Hatfield Hydro Project.

f. Location: On the Black River, in Jackson and Clark Counties, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791 (a)–825(r).

h. Applicant Contact: Peter H. Burno, R.R. #2, Box 345, Edgerton, WI 53534, (608) 884–9416.

i. FERC Contact: Mary C. Golato (202) 219–2804.

j. Deadline Date: April 12, 1996.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D10.

l. Description of Project: The proposed project consists of the following: (1) an existing diversion dam 3,100 feet long and 48 feet high; (2) an existing reservoir with a surface area of 945 acres with a gross storage capacity of 10,800 acre-feet; (3) two 10-foot-diameter penstocks extending 265 feet long; (4) an existing powerhouse containing two existing turbine-generator units at a total capacity of 6,000 kilowatts (Kw) and two proposed low flow units at a total rated capacity of 532 Kw; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 20,000,000 kilowatthours. The dam is owned by Hatfield Hydro Partnership.

m. Purpose of the Project; All project energy generated would be utilized by the applicant for sale.

n. This notice also consists of the following standard paragraphs: A4 and D10.

In responding, commenters may submit a copy of their comments on a 3½ inch diskette formatted for MS–DOS based computers. In light of our ability to translate MS–DOS based materials, the text need only be submitted in the format and version that it was generated (i.e., MS Word, WordPerfect 5.1/5.2, ASCII, etc.). It is not necessary to reformat word processor generated text to ASCII. For Macintosh users, it would be helpful to save the documents in Macintosh word processor format and then write them to files on a diskette formatted for MS–DOS machines.

o. Available Locations of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 1st Street, NE., Room 2–A, Washington, DC 20426, or by calling (202) 219–1371. A copy is also available for inspection and reproduction at Mr. Peter H. Burno, R.R. #2, Box 345, Edgerton, WI (608) 884–9416.

7 a. Type of Application: Original License.

b. Project No.: 11478–000.

c. Date Filed: May 9, 1994, and amended on April 21, 1995.

d. Applicant: Central Vermont Public Service Corporation.

e. Name of Project: Silver Lake Project.

f. Location: On the Sucker Brook in Addison County, Vermont.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Bruce Peacock, Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vt. 05701, (802) 747–5463.

i. FERC Contact: Jim Haimes (202) 219–2780.

j. Deadline Date: See standard paragraph D10.

k. Status of Environmental Analysis: This application has been accepted for filing and is ready for environmental analysis at this time.

l. Description of Project: The existing, operating Silver Lake Project consists of three separate developments: (1) the Sugar Hill storage reservoir; (2) the Sucker Brook diversion facility; and (3) the Silver Lake dam, reservoir, and powerhouse.

The Sugar Hill reservoir, created by the Goshen Dam, has a surface area of 74 acres and a gross storage capacity of 1,590 acre-feet at the normal surface elevation of 1,768 feet United States Geological Survey (USGS) datum. The Goshen Dam consists of an earthfill embankment section, about 680 feet long with a maximum height of 60 feet, and a spillway with a crest elevation of 1,768 feet (USGS) composed of two sections. The eastern section, about 50 feet long, is constructed of mortared rubble and capped with reinforced concrete; the western section is about 100 feet long, and is constructed of reinforced concrete, with wooden trash racks and a concrete gate. A square, reinforced concrete conduit (4 feet by 4 feet), 12 inches thick, and about 232 feet long, conveys water from an intake structure through the embankment to the outlet structure. The reinforced concrete outlet structure is controlled by five gate valves (with two 6-inch, two 8-inch, and one 10-inch diameter valves) and discharges into Sucker Brook.

The Sucker Brook diversion dam creates an impoundment with a surface area of about 2 acres and a gross storage capacity of 20 acre-feet at the maximum surface elevation of 1,312 feet USGS. At the normal pond elevation of 1,288 feet USGS, the surface area of the impoundment is less than a quarter of an acre, resulting in about 1 acre-foot of storage volume. The dam consists of an earth embankment, approximately 665 feet long with a maximum height of 38 feet; the spillway consists of a 60-foot-long concrete weir. An intake structure contains a manually operated timber headgate with trash racks. A penstock with a diameter ranging from 36 inches at the intake structure to 42 inches at the outfall extends 7,000 feet from the Sucker Brook diversion dam to Silver Lake, with sections comprised of corrugated metal, wood stave, and concrete pipe.

The Silver Lake portion of the project consists of a reservoir with a surface area of 110 acres and a gross storage volume of 3,120 acre-feet at the normal surface elevation of 1,250 feet USGS. The dam consists of a buttressed concrete wall section with earthfill on the upstream and downstream sides of the wall. The dam is approximately 257 feet long with a maximum height of 30 feet. The intake is a reinforced concrete structure with trash racks. There is a 60-foot-long conduit that conveys water from the intake structure into the outlet structure, which is also reinforced concrete topped with a wooden superstructure, containing an electrically operated slide gate. A penstock extends about 5,200 feet from the Silver Lake outlet structure to the powerhouse. It is constructed of fiberglass (2,400 feet), wood stave (100 feet), and steel (2,400 feet), with a surge tank located between the wood stave section and the steel section. The penstock diameter ranges from 48 inches at the intake structure to 36 inches at the surge tank.

The project powerhouse is about 47 feet by 67 feet, with a concrete substructure and a brick superstructure, containing: a single horizontal Francis turbine, rated at 3,000 horsepower (hp), with a maximum hydraulic capacity of 60 cubic feet per second (cfs), which operates with a net head of 645 feet; a horizontal shaft generator, rated 2,750 kilovolt-ampere (kVA); and appurtenant facilities. The project's 2,200-kilowatt generator produces an average annual generation of 6,443,000 kilowatt-hours.

m. Purpose of Project: Project power is distributed to customers of the Central Vermont Public Service Corporation.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. Available Location of Application: A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2A, Washington, D.C., 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the Central Vermont Public Service Corporation, 77 Grove Street, Rutland, Vt. 05701, (802) 747–5463.

8 a. Type of Application: New License.

b. Project No.: 137–002.

c. Date Filed: December 26, 1972.

d. Applicant: Pacific Gas and Electric Company (PG&E).

e. Name of Project: Mokelumne River Project.

f. Location: On the North Fork Mokelumne River in Alpine, Amador, and Calaveras Counties, California.

g. Field pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. David Moller, Pacific Gas and Electric Company, 201 Mission Street, P.O. Box 770000, San Francisco, CA 94177, (415) 973–4696.

i. FERC Contact: Tom Dean (202) 219–2778.

j. Deadline Date: See standard paragraph D10.

k. State of Environmental Analysis: This application has been accepted for filing and is ready for environmental analysis at this time.

l. Description of Project: The existing Mokelumne Project consists of six storage reservoirs and four developments.

The six storage reservoirs include: (1) the 343-acre Upper Blue Lake with a useable storage capacity of 7,300 acre-feet, and a 837-foot-long, 31-foot-high dam; (2) the 198-acre Lower Blue Lake with a useable storage capacity of 5,091 acre-feet, and a 1,063-foot-long, 40-foot-high dam; (3) the 106-acre Twin Lake with a useable storage capacity of 1,207 acre-feet, and a 1,520-foot-long, 22-foot-high dam; (4) the 140-acre Meadow Lake with a useable storage capacity of 5,656 acre-feet, and a 775-foot-long, 77-foot-high dam; (5) the 169-acre Upper Bear River reservoir with a usable storage capacity of 6,756 acre-feet, and a 760-foot-long, 77-foot-high dam; and (6) the 727-acre Lower Bear River reservoir with a useable storage capacity of 49,079 acre-feet, and a 979-foot-long, 249-foot-high dam connected by rock to a 865-foot-long, 145-foot-high second dam.

The Salt Springs Development consists of: (1) a 1,257-foot-long, 328-foot-high dam with a 480-foot-long spillway and 13 radial gates; (2) the 963-acre Salt Springs reservoir with a useable storage capacity of 141,817 acre-feet; (3) a 19-foot-long, 10-foot-diameter buried penstock; (4) a powerhouse with two turbine generators having a combined installed capacity of 39.1 megawatts (MW); (5) a 16.5-mile-long, 115 kilovolt (kV) transmission line; and (6) appurtenant facilities.

The Tiger Creek Development consists of: (1) the upper Tiger Creek Conduit comprised of 14.8 miles of flume, 2.7 miles of tunnel, and 0.3 miles of penstock; (2) the lower Tiger Creek Conduit is a 2.5-mile-long flume receiving water from six diversion dams including: (a) the 187-foot-long Cole Creek diversion; (b) the 91-foot-long Cole Creek feeder, and a 315-foot-long, 3 and 5-foot-diameter penstock; (c) the 102-foot-long Bear River feeder, and a 528-foot-long, 6-foot horseshoe tunnel, and 737-foot-long flume; (d) the 43-foot-long Beaver Creek feeder, and a 475-foot-long, 16-inch-diameter penstock; (e) the 64-foot-long East Panther Creek feeder, and a 635-foot-long, 36-inch-diameter penstock; and (f) the 58-foot-long West Panther Creek feeder, and a 3,696-foot-long penstock; (3) the 486-foot-long, 100-foot-high Tiger Creek Regulator dam; (4) a 13-acre reservoir with a useable storage capacity of 234-acre-feet; (5) the 900-foot-long, 33-foot-high Tiger Creek Forebay dam; (6) a 2.3-acre reservoir with a useable storage capacity of 42 acre-feet; (7) a 96-inch-diameter penstock, and a 24-inch-diameter sluice penstock; (8) a powerhouse with two turbine generators having a combined installed capacity of 51 MW; (9) a 13.8-mile-long and a 23.4-mile-long, 230 kV transmission line; and (10) appurtenant facilities.

The West Point Development consists of: (1) the 448-foot-long, 100-foot-high Tiger Creek Afterbay dam; (2) a 70-acre reservoir with a useable storage capacity of 2,606 acre-feet; (3) the 15-foot 6-inch by 13-foot, 2.7-mile-long West Point Tunnel; (4) a 84 and 120-inch-diameter penstock; (5) a powerhouse with a turbine generator having an installed capacity of 12.8 MW; (6) a 23.5-mile-long, 60 kV transmission line; and (7) appurtenant facilities. PG&E proposes to upgrade the turbine generator unit by 0.8 MW to 13.6 MW.

The Electra Development consists of: (1) the 188-foot-long Electra diversion dam; (2) the 15-foot 6-inch by 13-foot-wide, 8-mile-long Electra Tunnel; (3) the 636-foot-long, 123-foot-high Lake Tabeaud dam; (4) a 42-acre reservoir with a useable storage capacity of 990 acre-feet; (5) the 12-foot by 12-foot, 0.5-mile-long Tabeaud Tunnel; (6) a powerhouse with three turbine generators with an installed capacity of 84.4 MW; and (7) appurtenant facilities.

The project lands for the Mokelumne Project include 1,059 acres administered by the Eldorado and Stanislaus National Forests and 49 acres administered by the Bureau of Land Management (BLM). A 25,000-acre State Game Refuge and the 12,200-acre Mokelumne Archaeological District are also within the project boundaries.

m. Purpose of Project: Project power would be utilized by the applicant for sale to its customers.

n. This notice also consists of the following standard paragraphs: A4 and D10.

o. Available Location of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, N.E., Room 2–A, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Pacific Gas and Electric Company, 201 Mission Street, San Francisco, CA 94177, or by calling David Moller at (415) 973–4696.

9 a. Type of Application: Major New License.

b. Project No.: 1984–056.

c. Date filed: January 25, 1996.

d. Applicant: Wisconsin River Power Company.

e. Name of Project: Petenwell and Castle Rock Project.

f. Location: on the Wisconsin River in Adams, Juneau, and Wood Counties, Wisconsin.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791 (a)–825(r).

h. Applicant Contact: Mr. Richard L. Hilliker, President, Wisconsin River Power Company, P. O. Box 8050, Wisconsin Rapids, WI 54495, (715) 422–3722.

i. FERC Contact: Robert Bell (202) 219–2806.

j. Comment Date: 60 days from the filing date in paragraph C.

k. Description of Project: The current licensed project consists of the following two developments:

Petenwell Development

(1) the existing Petenwell Dam consists of a series of dams and dikes 15,505 feet long and approximately 38 feet high; (2) an impoundment having a surface area of 25,180 acres, with a storage capacity of 495,000 acre-feet at normal water surface elevation of 923.9 feet msl; (3) the Existing intake structure; (4) the existing powerhouse having 4 generating units having a total installed capacity of 20–MW; (5) an existing transmission line; and (6) appurtenant facilities.

Castle Rock Development

(1) the existing Castle Rock Dam consist of a series of dams and dikes 19,374 feet long and approximately 30 feet high; (2) an impoundment having a surface area of 14,900 acres and storage capacity of 136,000 acre-feet at normal water surface elevation of 881.9 feet msl; (3) the Existing intake structure; (4) the existing powerhouse having 5 generating units having a total installed capacity of 15–MW; (5) an existing transmission line; and (6) appurtenant facilities.

No additional is being proposed for this project under this new license.

l. With this notice, we are initiating consultation with the *Wisconsin STATE HISTORIC PRESERVATION OFFICER (SHPO)*, as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to Section 4.32(b)(7) of 18 CFR of the Commission's Regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date and serve a copy of the request on the applicant.

Standard Paragraphs

A4. Development Application—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to section 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (April 22, 1996 for Project No. 11478–000 and April 23, 1996 for Project No. 137–002). All reply comments must be filed with the Commission within 105 days from the date of this notice (June 6, 1996 for Project No. 11478–000 and June 7, 1996 for Project No. 137–002). Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: February 26, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4768 Filed 2–29–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP96–191–000, et al.]

Southern Natural Gas Company, et al.; Natural Gas Certificate Filings

February 23, 1996.

Take notice that the following filings have been made with the Commission:

1. Southern Natural Gas Company

[Docket No. CP96–191–000]

Take notice that on February 15, 1996, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama, 35202–2563, filed in Docket No. CP96–191–000 a request pursuant to Section 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.211) for approval to change the operation of a meter station for delivery of gas to Apache Corporation (Apache), a producer, for use in its production activities located offshore, Louisiana, under Southern's blanket certificate authority issued in Docket No. CP82–406–000, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Southern proposes to modify an existing meter station located on the production platform at or near Block 151, offshore, Louisiana, by replacing and reversing one of two 6 inch meters at the existing meter station with a three inch meter in order to deliver gas to Apache. Southern indicates that Apache has agreed to reimburse Southern for the total actual cost of modifying the existing station to allow for the delivery of gas. It is further indicated that such cost is estimated to be $52,172.

Southern advises that it will provide the transportation service to the meter station pursuant to the terms and conditions of Southern's Rate Schedule IT. Southern states that SONAT Marketing Company has requested transportation of the gas for delivery at the meter station under Southern's FERC Gas Tariff by having the meter station added as a delivery point to its Service Agreement dated October 1, 1995. Southern indicates that it will provide Apache with an average 500 Mcf of natural gas per day and 182,500 Mcf annually on an interruptible basis under its Part 284 blanket certificate.

Southern states that performance of the interruptible transportation service for delivery to Apache at the meter station will have no significant impact on Southern's peak day or firm service obligations. Southern further states that the modification and operation of the existing facilities is allowed by its tariff. It is indicated that Southern has the capacity to accomplish the deliveries proposed by the installation without detriment or disadvantage to its firm customers.

Comment date: April 8, 1996, in accordance with Standard Paragraph G at the end of this notice.

2. K N Wattenberg Transmission Limited Liability Company

[Docket No. CP96–195–000]

Take notice that on February 16, 1996, K N Wattenberg Transmission Limited Liability Company (K N Wattenberg), located at 370 Van Gordon Street, Lakewood, Colorado 80228, filed in Docket No. CP96–195–000, an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and Part 157 of the Commission's Regulations for authorization permitting and approving the abandonment of three compressor units and appurtenant facilities currently located at its Brighton Compressor Station in Adams County, Colorado by transfer to K N Gas Gathering, Inc. (KNGG). K N Wattenberg further states that it does not have any need for these excess compressor units elsewhere on its system. Finally, K N Wattenberg states that no customer will have its existing service terminated or diminished as a result of the proposal herein.

Comment date: March 15, 1996, in accordance with Standard Paragraph F at the end of this notice.

3. NorAm Gas Transmission Company

[Docket No. CP96–197–000]

Take notice that on February 16, 1996, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in Docket No. CP96–197–000 a request pursuant to Sections 157.205, 157.211 and 157.216 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211, 157.216) for authorization to replace certain meter facilities used to provide service to Arkla, a distribution division of NorAm Energy Corp. (Arkla), under NGT's blanket certificate issued in Docket No. CP82–384–000, et al., pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

NGT proposes to continue to operate certain meter facilities which were installed due to the emergency situation created by extreme cold winter conditions and the sudden unanticipated increase in demand from its existing customer base located at its Town Border Station No. 2 in Searcy, Arkansas, as reported in Docket No. EM96–7–000. NGT specifically seeks authority to abandon a 4-inch diaphragm meter and two 1-inch regulators originally installed under authorization in Docket No. CP68–108–000.[1] Further, NGT seeks to continue operating a new 4-inch rotary meter and two new 1-inch regulators that were installed under the emergency provisions of Section 284.261. NGT states that it replaced its meter station facilities to allow for peak deliveries of 1,200 MMBtu per day. NGT advises that Arkla has agreed to reimburse NGT for the cost of replacing the facilities, estimated to be $10,529.

Comment date: April 8, 1996, in accordance with Standard Paragraph G at the end of this notice.

4. Koch Gateway Pipeline Company and Texas Eastern Transmission Corporation

[Docket No. CP96–200–000]

Take notice that on February 20, 1996, Koch Gateway Pipeline Company (Koch Gateway), P.O. Box 1478, Houston, Texas 77251–1478, and Texas Eastern Transmission Corporation (TETCO), 5400 Westheimer Court, P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP96–200–000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.212) for authorization to reassign certain exchange volumes to various delivery points under blanket certificates issued to Koch Gateway in Docket No. CP82–430–000 and to TETCO in Docket No. CP82–535–000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Koch Gateway and TETCO propose to remove the Sharon exchange point from the transmission and exchange agreements on file with the Commission as Koch Gateway's Rate Schedule Nos. X–2 and X–3, and TETCO's Rate Schedule No. X–6. It is stated that such delivery point is located at an existing interconnect between the two pipelines in Claiborne Parish, Louisiana. It is further stated that volumes for this point would be reassigned to the remaining exchange points covered by the agreements.

Koch Gateway and TETCO state that the proposed change would not impact either of the certificate holder's peak day or annual deliveries and neither pipeline's tariff prohibits the proposed elimination of the delivery point.

Comment date: April 8, 1996, in accordance with Standard Paragraph G at the end of this notice.

[1] 38 FPC 1162 (1967).

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–4769 Filed 2–29–96; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5433–5]

Accidental Release Prevention Requirements: Risk Management Programs Under Section 112(r)(7) of the Clean Air Act as Amended; Draft Guidances

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Deadline.

SUMMARY: EPA published a notice on January 30, 1996 (61 FR 3031) announcing the availability of draft guidance documents associated with risk management programs under Section 112(r)(7) of the Clean Air Act (CAA), as amended. These draft guidance documents are: ''Offsite Consequence Assessment''; ''Generic Guidance Risk Management Program (RMP) for Ammonia Refrigeration Facilities''; and ''Risk Management Plan Data Elements'' and ''Data Elements Instructions.'' EPA has learned that some of guidance materials were not immediately available and that more time is necessary for review and comment. This notice extends the deadline for submission of comments. As the initial notice of availability stated, these documents are not rules or proposed rules. The Agency is willing to accept and consider comments at any time during the life of these guidance documents. However, the CAA requires that certain guidance materials must be issued when EPA promulgates regulations under section 112(r)(7)(B). Consequently, comments received by the deadline will be used to shape the guidance to be issued at that time. While comments received after the deadline may be considered, those comments and even those after publication may be used in future revisions to the guidance documents.

DATES: Those who wish to express their views concerning the material contained in the guidances should submit written comments by March 29, 1996 to Docket A–91–73 Category VIII–B, at the address below, or via e-mail to A–and–R–Docket@epamail.epa.gov.

ADDRESSES: *Docket.* EPA Air and Radiation Docket and Information Center, room M1500, U.S. Environmental Protection Agency (6102), 401 M Street S.W., Washington, D.C. 20460. Please identify comments with the docket number A–91–73 Category VIII–B. Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: A–and–R–Docket@epamail.epa.gov. Electronic comments must be submitted as ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number A–91–73 Category VIII–B. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this draft guidance may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: Contact the Emergency Planning and Community Right-to-Know Information Hotline at (800) 535–0202 or (703) 412–9877 when calling from local Washington, D.C. area or contact Craig Matthiessen in the Chemical Emergency Preparedness and Prevention Office at (202) 260–9781.

Dated: February 26, 1996.

Jim Makris,

Director, Chemical Emergency Preparedness and Prevention Office.

[FR Doc. 96–4833 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5432–1]

Formation and Open Meeting of the Industrial Non-Hazardous Waste Stakeholders Focus Group

AGENCY: Environmental Protection Agency.

ACTION: Notice of establishment of the Industrial Non-Hazardous Waste Stakeholders Focus Group and Notice of first meeting.

SUMMARY: As required by sections 9 (a)(2) and 10 (a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), EPA is giving notice of the formation of the Industrial Non-Hazardous Waste Stakeholders' Focus Group and of its first meeting. EPA has determined that this action is in the public interest. The purpose of this committee is to advise EPA and ASTSWMO (the Association of State and Territorial Solid Waste Management Officials) in developing voluntary guidance for the management of industrial nonhazardous waste in land-based disposal units. The Focus Group

will facilitate the exchange of information and ideas among the interested parties relating to the development of such guidance. The agenda of the first meeting will include a discussion of the purpose and scope of the guidance under development, the ground rules for future meetings, tailoring management practices to risk, and liner system designs at industrial nonhazardous waste facilities. There will be an opportunity for public comment before the close of the meeting.

DATES: The committee's first meeting will be held on April 11–12, 1996 beginning at 9:00 A.M. on each day. The meeting will conclude at 5:00 P.M. on April 11 and at 3:00 P.M. on April 12.

ADDRESSES: The location of the meeting is the Hall of States, Room 383–385, 444 N. Capitol Street, N.W., Washington, D.C. The seating capacity of the room is approximately 75 people, and seating will be on a first-come basis. Supporting materials are available for viewing at Docket # F–96–INHA-FFFFF in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding federal holidays. To review docket materials, the public must make an appointment by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost $.15/page. For general information, contact the RCRA Hotline at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). In the Washington metropolitan area, call 703–412–9610 or TDD 703–412–3323.

FOR FURTHER INFORMATION, CONTACT: Persons needing further information on the committee should contact Patricia Cohn, Municipal and Industrial Solid Waste Division, Office of Solid Waste, at (703) 308–8675.

SUPPLEMENTARY INFORMATION:

Purpose of the Focus Group

EPA and ASTSWMO have formed a State/EPA Steering Committee to jointly develop voluntary facility guidance for the management of industrial nonhazardous waste in land-based disposal units. The purpose of the guidance is to recommend management practices that are environmentally sound, that are protective of public health, and that recognize opportunities for pollution prevention and waste minimization. The guidance will address such topics as appropriate groundwater monitoring and corrective action requirements, liner designs, daily operating requirements, and closure and post-closure practices.

The State/EPA Steering Committee is convening this Stakeholders Focus Group to obtain recommendations from individuals who are members of a broad spectrum of public interest groups and affected industries. All recommendations from Focus Group participants will be forwarded to the State/EPA Steering Committee for consideration, as the Stakeholders' Focus Group will not strive for consensus. The State/EPA Steering Committee will also provide an opportunity for public comment on the draft guidance document.

Background

''Industrial nonhazardous waste'' under the federal Resource Conservation and Recovery Act (RCRA) means waste that is neither municipal solid waste under RCRA Subtitle D nor a hazardous waste under RCRA Subtitle C. Industrial nonhazardous waste consists primarily of manufacturing process wastes, including wastewaters and non-wastewater sludges and solids.

EPA estimates there are 7.6 billion tons of industrial nonhazardous waste generated annually in the U.S. and disposed on-site by approximately 12,000 industrial facilities in surface impoundments, landfills, land application units, or waste piles. Most of this waste is managed in surface impoundments, which are designed to hold wastewaters. These wastes present a broad range of risk, from nearly hazardous to inert.

Under RCRA Subtitle D, the states are responsible for regulating the management of industrial nonhazardous waste. State requirements vary widely, and may include standards for design and operation, location, monitoring, and record keeping. This guidance is intended to complement existing state programs.

EPA's role in the management of industrial nonhazardous waste is very limited. Under RCRA Subtitle D, EPA issued minimal criteria prohibiting ''open dumps'' (40 CFR 257) in 1979. The states, not EPA, are responsible for implementing the ''open dumping criteria,'' and EPA has no back-up enforcement role.

Copies of the minutes of all Stakeholder Focus Group meetings will be made available through the docket at the RCRA Information Center.

Participants

The Stakeholders Focus Group will consist of approximately 25 members, who represent public interest groups, affected industries, states, and federal officials. Following is a list of representatives from the interested parties:

Public interest groups—Doris Cellarius, Sierra Club; Michael Gregory, Sierra Club; John Harney, Citizens Round Table/Pennsylvanians United to Rescue the Environment; and Rick Lowery, Texas Center for Policy Studies.

Industry sectors—Tim Saylor, International Paper; Gary Robbins, Exxon Company USA; Walter Carey, New Milford Farms/Nestle USA; Robert Giraud, Dupont Company; Paul Bork, Dow Chemical Company; Bruce Steiner, American Iron and Steel Institute; James Meiers, Indianapolis Power and Light Company; Andrew Miles, The Dexter Corporation; Scott Murto, General Motors Corporation; Lisa Williams, The Aluminum Association; Jonathan Greenberg, Browning-Ferris Industries; and Ed Skernolis, WMX Technologies, Inc.

States—James Warner, Minnesota Pollution Control Agency; Anne Dobbs, Texas Natural Resources Conservation Commission.

Federal officials—Paul Cassidy, Patricia Cohn, Richard Kinch, John Sager and Bruce Weddle of the U.S. Environmental Protection Agency.

Dated: February 22, 1995.

Bruce R. Weddle,

Acting Director, Office of Solid Waste.

[FR Doc. 96–4835 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5413–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared February 12, 1996 through February 16, 1996 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) 564–7167.

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–DOE–A09825–00 Rating EC2, Disposition of Surplus Weapons-Usable Highly Enriched Uranium (HEU) to Low Enriched Uranium (LEU), Site Selection, Y–12 Plant Oak Ridge, TN; Savannah River Site, Aiken, SC; Babcock & Wilcox Naval Nuclear Fuel

Division, Lynchburg, VA and Nuclear Fuel Services Plant, Erwin, TN.

Summary: EPA requested additional information concerning the highly enriched uranium and the preferred alternative to strenghten the final EIS and provide more clarity to the public.

ERP No. D–FHW–D40272–PA Rating EC2, PA–0322 (Section B01) Transportation Corridor, Improvements from PA–0655 to Mt. Pleasant, Funding and COE Section 404 Permit, Mifflin County, PA.

Summary: EPA expressed concerns for the potential impacts to wetlands, farmlands, and the Anabaptist community in the project area. In addition, there is insufficient information provided to determine the potential indirect impacts of the project.

ERP No. D–FHW–D40273–PA Rating EO2, US 220 Transportation Improvements Project, Bald Eagle Village to Interstate 80 (I–80), Funding and COE Section 404 Permit, Blair and Centre Counties, PA.

Summary: EPA expressed objections to the potential impacts to high quality streams, terrestrial and wildlife habitat, wetlands productive agricultural lands and farm operations.

ERP No. D–FHW–D40274–PA Rating EC2, US 222 Relocation/Reconstruction Project, Construction of the Warren Street Extension, Funding, Berks County, PA.

Summary: EPA expressed concerns with the potential impacts to streams and wetlands from both the limited and controlled access alternatives. The project alternatives also have the potential to significantly impact floodplains and wetlands.

ERP No. D–FHW–D40276–PA Rating EC2, US 22 (S.R. 0022—Section C02) Highway Improvement, US 22 west of the Strodes Mills Area to US 322 near Lewistown. Funding and COE Section 404 Permit Issuance, Mifflin County, PA.

Summary: EPA expressed concerns for secondary impacts, air quality, and for the 200 acres of forested habitat impacted by the proposed project.

ERP No. D–FHW–D40277–WV Rating EC2, Merrick Creek Connector Improvements Project, between US 60 to WV–2 also a New Interchange at I–64, Funding and COE Section 404 Permit, Cabell County, WV.

Summary: EPA's rating is based, in part, on the potential impacts to area streams resulting from various stream channel relocations, pipes and/or culverts and bridging which EPA believes will adversely affect the quality of the existing environment.

ERP No. D–FHW–D40278–PA Rating LO, PA–26 Transportation Improvements, (College Avenue) between State College and Pleasant Gap, Funding, Appalachian Mountain, Centre County, PA.

Summary: Based on our review and due to the diligent efforts of PADOT project team to avoid impacts to environmental resources, EPA has assigned a rating of LO. EPA supports the selection of Yellow-Green Option I as the environmentally preferable alternative.

ERP No. D–ICC–D53008–WV Rating EC2, Elk River Railroad Railline (Docket No. 31989), Construction Exemption and Operation, NPDES Permit and Approval of Permits, Clay and Kanawha Counties, WV.

Summary: The ICC should propose adequate mitigation for noise impacts in the final EIS as well as a clear statement of purpose and need.

ERP No. D–NPS–D61042–VA Rating LO, Richmond National Battlefield Park General Management Plan and Land Protection Plan, Implementation, Hanover, Henrico and Chesterfield Counties, VA.

Summary: EPA expressed lack of objections with the proposed action. EPA recommends that the final EIS include an impact assessment of the proposed action on visitor use.

ERP No. D1–NAS–A12038–00 Rating LO, International Space Station, Assembly and Operation, Space Station Freedom (SSF).

Summary: EPA's abbreviated review revealed no concerns with the proposed project.

Final EISs

ERP No. F–NPS–E61071–FL, Timucuan Ecological and Historic Preserve, General Management Plan and Development Concept Plans, Implementation, Fort Caroline National Memorial Area, Duval County, FL.

Summary: EPA expressed concerns regarding impacts due to off-road vehicular use. It is proposed that impacts will be mitigated by the development of off-road vehicular use guidelines.

Dated: February 26, 1996

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities

[FR Doc. 96–4846 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–5413–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153. Weekly receipt of Environmental Impact Statements Filed February 19, 1996 Through February 23, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960087, Draft EIS, COE, CA, San Pedro Creek Section 205 Flood Control Project, Construction, Flood Protection, COE Section 10 and 404 Permits and Permits Approval, San Mateo County, CA, Due: April 15, 1996, Contact: Bill Dejager (415) 744–3341.

EIS No. 960088, Draft EIS, FHW, PA, Erie East Side Access Study, Transportation Improvement, PA–4034, Section A40, COE Section 404 Permit, Erie County, PA, Due: April 22, 1996, Contact: Manuel A. Mark (717) 782–3461.

EIS No. 960089, Final EIS, AFS, MT, Beaverhead National Forests Oil and Gas Leasing, Exploration, Development and Land Acquisition, Beaverhead, Madison, Silver Bow, Deer Lodge and Gallatin, MT, Due: April 01, 1996, Contact: Peri Suenram (406) 683–3900.

EIS No. 960090, Final EIS, FHW, IL, FAP Route 340 Transportation Project, Construction from I–55 to I–80, Funding, US Coast Guard Permit and COE Section 404 Permit, Cook, Dupage and Will Counties, IL, Due: April 01, 1996, Contact: Kennett Perret (708) 283–3510.

EIS No. 960091, Final EIS, SFW, CA, Stephens' Kangaroo Rat (SKR) Authorization for Incidental Take and Implementation of a Long-Term Habitat Conservation Plan, Western Riverside County, CA, Due: April 01, 1996, Contact: Jeff Newman (619) 431–9440.

EIS No. 960092, Draft Supplement, COE, IL, Sugar Creek Municipal Water Supply Reservoir Construction, Additional Information, COE Section 404 Permit Issuance, City of Marion, Williamson and Johnson Counties, IL, Due: April 15, 1996, Contact: Terry S. Siemsen (502) 582–5550.

EIS No. 960093, Final EIS, AFS, MT, Bull Sweats Vegetation Manipulation Project, Implementation, Helena National Forest, Helena Ranger District, Lewis and Clark County, MT, Due: March 11, 1996, Contact: David Turner (406) 449–5490.

The above FEIS was inadvertenly not published in the February 9, 1996 Federal Register. The 30 day Wait Period is Calculated from the Intended Federal Register Date of 2–9–96.

Amended Notices

EIS No. 950098, Draft Supplement, FTA, MA, Old Colony Railroad

Rehabilitation Project, Transit Improvements, New and Updated Information concerning construction of the Greenbush Line Corridor, MA, Due: May 22, 1995, Contact: Mary Beth Mello (617) 494–2055.

Published FR 03–24–95—Officially Cancelled by the Preparing Agency.

EIS No. 950533, Draft EIS, NPS, ID, Hagerman Fossil Beds National Monument, General Management Plan, Implementation, Twin Falls and Gooding County, ID, Due: March 08, 1996, Contact: Rick Ernenwein (303) 969–2274.

Published FR 11–17–95—Review Period Extended.

EIS No. 950583, Draft EIS, FHW, WA, WA–509 Extension/South Access Road Corridor Project, Construction, Funding and Possible COE Section 404 Permit, the Cities of SeaTac, Des Moines, Kent and Federal Way, King County, WA, Due: March 11, 1996, Contact: Dale Morimoto (206) 440–4548.

Published FR 01–26–96—Review Period Extended.

Dated: February 27, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–4847 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5432–4]

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. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15.

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. 1246.05; Reporting and Recordkeeping for Asbestos Abatement Worker Protection; was approved 08/17/95; OMB No. 2070–0072; expires 08/31/98.

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. 1426.04; EPA Worker Protection Standard for Hazardous Waste Operations and Emergency Response; was approved 01/30/96; OMB No. 2050–0105; expires 01/31/99.

EPA ICR No. 1569.03; Approval of State Coastal Nonpoint Pollution Control Programs (CZARA Section 6217); was approved 01/30/96; OMB No. 2040–0153; expires 01/32/99.

EPA ICR No. 1100.08; National Emission Standards for Hazardous Air Pollutants: Radionuclide; was approved 01/31/96; OMB No. 2060–0191; expires 01/31/99.

EPA ICR No. 1154.04; NESHAP for Benzene Emissions from Bulk Transfer Operations (Subpart BB); was approved 01/31/96; OMB No. 2060–0182; expires 01/31/99.

EPA ICR No. 1753.01; National Survey of Gross Alpha Methodology; was approved 08/10/95; OMB No. 2080–0054; expires 08/31/98.

OMB Disapproval

EPA ICR No. 0226.13; NPDES Wastewater Permit Application Forms and Regulatory Revisions for Municipal Discharges and Sewage Sludge Use or Disposal—Forms 2A/2S; was disapproved 02/15/96.

Dated: February 23, 1996.

David Schwartz,

Acting Director, Regulatory Information Division.

[FR Doc. 96–4834 Filed 2–29–96; 8:45 am]

BILLING CODE 6560–50–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board Sunshine Act Meeting; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), that the March 14, 1996 regular meeting of the Farm Credit Administration Board (Board) will not be held and that a special meeting of the Board is scheduled for Tuesday, March 12, 1996 at 10:00 a.m. An agenda for this meeting will be published at a later date.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

Dated: February 27, 1996.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 96–4994 Filed 2–28–96; 2:40 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Review and Approval

February 22, 1996.

SUMMARY: The Federal Communications, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commissions burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before [insert date 30 days after date of publication in the Federal Register]. 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 as soon as possible.

ADDRESS: Direct all comments to Dorothy Conway, Federal Communications, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain_t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 3060–0402.

Title: Application for New or Modified Microwave Radio Station License Authorization Under Part 21.

Form No.: 494.

Type of Review: Reinstatement of a previously approved collection.

Respondents: Business or other for profit.

Number of Respondents: 9,700.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 19,400 hours.

Total Annualized Cost per respondent: The costs for this collection are $180 filing fee and $140 regulatory fee for each new application. There is $180 filing fee for application modifications. The Commission estimates 2,910 new applications and 6,790 modifications will be submitted.

Needs and Uses: The FCC 494 is used by telecommunications entities to request authorization to construct and operate microwave facilities. It is the initial application for requesting authorization for facilities governed under Part 21 of the Commission rules. The FCC 494 is a multipurpose application to request authorization for new or modified radio station facilities in the following Part 21 services: Point to Point Microwave; Local Television Transmission Service and Digital Electronic Message Service. The form is used to apply for a license for a new radio station; to amend an pending license application; to modify a granted license; and to notify the Commission of certain changes. The Commission used the information to determine if an applicant is qualified legally, technically and financially to be licensed to use microwave radio frequencies.

OMB Approval No.: 3060–0436.

Title: Equipment Authorization - Cordless Telephone Security Coding Sections 15.214(c), 68.200(k).

Form No.: N/A.

Type of Review: Reinstatement of a previously approved collection.

Respondents: Business or other for profit.

Number of Respondents: 100 respondents for Section 15.214(d)(3) and 100 respondents for section 68.200(k).

Estimated Time Per Response: 1.5 hours per response for section 15.24(d)(3) and .5 hours per response for section 68.200(k).

Total Annual Burden: 200 hours.

Total Annualized Cost per respondent: There are no start-up or operational and maintenance costs associated with this collection.

Needs and Uses: Cordless telephone security features protect the public switched telephone network from unintentional line seizure and telephone dialing. These features prevent unauthorized access to the telephone line, the dailing of calls in response to signals other than those from the owner's handset and the unintentional ringing of a cordless telephone handset. Use of cordless telephone security features reduce the harm caused by some cordless telephones to the ''911'' Emergency Service Telephone System and the telephone network in general.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–4722 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–F

[DA 95–2341]

Applications in the 37.0–38.6 GHz and 38.6–40 GHz Bands

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On November 13, 1995, the Acting Chief, Wireless Telecommunications Bureau adopted an Order that imposes a freeze on the Commission accepting applications in the Common Carrier or Operational Fixed Point-to-Point Microwave Radio Services for the 38.6–40.0 GHz frequency assignments. The Order was released November 13, 1995. The freeze was necessary so that the public interest can be served by not accepting further applications pending Commission action on a rulemaking petition that would modify application processing and technical rules for this frequency band. The effect of the freeze is to give the public consistent technical standards for the 38.6–40.0 GHz frequency assignments.

EFFECTIVE DATE: November 13, 1995.

FOR FURTHER INFORMATION CONTACT: Robert James of the Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION:

Order

Adopted: November 13, 1995

Released: November 13, 1995

By the Acting Chief, Wireless Telecommunications Bureau:

1. Pending before the Commission is a petition for rulemaking (RM–8553, Public Notice, Report No. 2044, released December 1, 1994) filed by the Point-to-Point Microwave Section of the Telecommunications Industry Association, concerning use of the 37.0–38.6 GHz (37 GHz) and 38.6–40.0 GHz (39 GHz) bands. The petition requests that the Commission, among other things, modify the existing technical standards governing point-to-point operations in the 39 GHz band. The existing rules governing the 39 GHz band are inconsistent with the proposal contained in the petition. Thus, the petition for rulemaking, if granted, would require new application processing and technical rules for this frequency band.

2. Over 2,100 applications for 39 GHz licenses have been filed since January 1995. The increasing number of applications constitutes a burden on the Commission's scarce resources and may limit the impact of a Commission rulemaking in response to the petition because applications being filed and processed are not necessarily in conformance with application and technical requirements that may be developed for the 39 GHz bands if the rulemaking petition is granted. Consequently, we find that the public interest will be served by not accepting any further applications for licensing new 39 GHz frequency assignments, pending Commission action on the rulemaking petition. Accordingly, effective upon the release date of this Order, no applications in the Common Carrier or Operational Fixed Point-to-Point Microwave Radio Services for the 39 GHz band will be accepted for filing. Any such applications received on or after this date will be returned as unacceptable for filing. This freeze does not apply to applications for assignment or transfer of control of license.

3. The Commission's decision to impose this freeze is procedural in nature and therefore the freeze is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act. *See* 5 U.S.C. 553(b)(A), (d); *Kessler* v. *FCC*, 326 F.2d 673 (D.C. Cir. 1963). Moreover, there is good cause for the Commission's not using notice and comment procedures in this case, or making the freeze effective 30 days after publication in the Federal Register, because to do so would be impractical, unnecessary, and contrary to the public interest because compliance would undercut the purposes of the freeze. *See* 5 U.S.C. 553(b)(B), (d)(3).

4. Wherefore, as discussed herein, *it is hereby ordered that* effective upon the release date of this Order, no applications will be accepted for filing for the 38.6–40.0 GHz frequency band in the Common Carrier or Operational Fixed Point-to-Point Microwave Radio Services. This freeze will continue until

the Commission makes an announcement that such application acceptance will resume.

Federal Communications Commission.

Gerald P. Vaughan,

Acting Chief, Wireless Telecommunications Bureau.

[FR Doc. 96–4721 Filed 2–29–96; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 11:10 a.m. on Tuesday, February 27, 1996, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Director Jonathan L. Fiechter (Acting Director, Office of Thrift Supervision), Mr. Stephen R. Steinbrink, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

The meeting was held in the Board Room of the FDIC Building located at 550–17th Street, N.W., Washington, D.C.

Dated: February 27, 1996.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 96–4950 Filed 2–28–96; 2:40 pm]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1102–DR]

Idaho; 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 Idaho, (FEMA–1102–DR), dated February 11, 1996, and related determinations.

EFFECTIVE DATE: February 20, 1996

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 Idaho, 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 February 11, 1996:

Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce and Shoshone Counties and the Nez Perce Indian Reservation for Public Assistance and Hazard Mitigation (already designated for Individual Assistance)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4820 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1094–DR]

Maryland; 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 Maryland (FEMA–1094–DR), dated January 23, 1996, and related determinations.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 12, 1996, the President amended the major disaster declaration of January 23, 1996, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Maryland, resulting from flooding on January 19–31, 1996, is of sufficient severity and magnitude to warrant the expansion of the incident type to include damage resulting from severe storms and flooding in the major disaster declaration of January 23, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act'').

All other conditions specified in the original declaration remain the same.

Please notify the Governor of the State of Maryland and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4817 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1097–DR]

Ohio; 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 Ohio (FEMA–1097–DR), dated January 27, 1996, and related determinations.

EFFECTIVE DATE: February 15, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this disaster is closed effective January 31, 1996.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4816 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; 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 Oregon, (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 18, 1996.

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 Oregon dated February 9, 1996, 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 February 9, 1996:

Gilliam County for Public Assistance and Hazard Mitigation Assistance.

Benton, Hood River, Jefferson, Morrow, Union, Wallowa, and Washington Counties for Public Assistance and Hazard Mitigation Assistance. (Already designated for Individual Assistance)

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4821 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1099–DR]

Oregon; 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 Oregon, (FEMA–1099–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 15, 1996.

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 Oregon 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 February 9, 1996:

Douglas, Jefferson, Josephine, and Wallowa Counties for Individual Assistance

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4822 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1093–DR]

Pennsylvania; 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 Commonwealth of Pennsylvania, (FEMA–1093–DR), dated January 21, 1996, and related determinations.

EFFECTIVE DATE: February 12, 1996.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 12, 1996, the President amended the major disaster declaration of January 21, 1996, under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from flooding on January 19 through February 1, 1996, is of sufficient severity and magnitude to warrant the expansion of the incident type to include damage resulting from severe storms and flooding in the major disaster declaration of January 21, 1996, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act'').

All other conditions specified in the original declaration remain the same.

Please notify the Governor of the Commonwealth of Pennsylvania and the Federal Coordinating Officer of this amendment to my major disaster declaration.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4818 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1098–DR]

Virginia; 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 Commonwealth of Virginia, (FEMA–1098–DR), dated January 27, 1996, and related determinations.

EFFECTIVE DATE: February 20, 1996

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 Commonwealth of Virginia, 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 January 27, 1996:

Clarke County for Public Assistance and Hazard Mitigation Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

William C. Tidball,

Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4823 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

[FEMA–1100–DR]

Washington; 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 Washington, (FEMA–1100–DR), dated February 9, 1996, and related determinations.

EFFECTIVE DATE: February 16, 1996.

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 Washington, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 9, 1996:

Garfield County for Individual Assistance, Public Assistance, and Hazard Mitigation.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

G. Clay Hollister,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 96–4819 Filed 2–29–96; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. § 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are 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 standards enumerated in the BHC Act (12 U.S.C. § 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company 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'' (12 U.S.C. § 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 25, 1996.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Crawford Financial Corporation, Indianapolis, Indiana; to become a bank holding company by acquiring 71.38 percent of the voting shares of Marengo State Bank, Marengo, Indiana.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. The Stuart Family Partnership, Lincoln, Nebraska; The Catherine Stuart Schmoker Family Partnership, Lincoln, Nebraska; The James Stuart, Jr. Family Partnership, Lincoln, Nebraska; The Scott Stuart Family Partnership, Lincoln, Nebraska; First Commerce Bancshares, Inc., Lincoln, Nebraska, and National Bank of Commerce Trust and Savings Association, Lincoln, Nebraska, as trustees, to control 5.2 percent of the voting shares of First State Bank, Randolph, Nebraska and 14.1 percent of the voting shares of Bank of Bertrand, Bertrand, Nebraska.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Outsource Capital Group, Inc., Lubbock, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Outsource Delaware Capital Group, Inc., Dover, Delaware, and thereby indirectly acquire First Bank & Trust Co. White Deer, Texas

In addition with this application, Outsource Delaware Capital Group, Inc., Dover, Delaware, also has applied to become a bank holding company by acquiring at least 88.4 percent of the voting shares of First Bank & Trust Co., White Deer, Texas.

In connection with this application, Outsource Capital Group, Inc., Lubbock, Texas, has also applied to engage in through its subsidiary, Outsource Capital Group, Inc., d/b/a Outsource Lease, Lubbock, Texas, in leasing activities, pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 26, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4770 Filed 2–29–96; 8:45 am]

BILLING CODE 6210–01–F

Board of Governors, Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 10:00 a.m., Wednesday, March 6, 1996.

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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. 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: February 28, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–4910 Filed 2–28–96; 10:09 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Proposed Collections; Comment Requestq01

The Department of Health and Human Services, Office of the Secretary will periodically publish summaries of proposed information collections projects and solicit public comments in compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. To request more information on the project or to obtain a copy of the information collection plans and instruments, call the OS Reports Clearance Officer on (202) 619–1053.

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 or other forms of information technology.

1. Alternative Models of Personal Assistance Services—NEW—The Office of the Assistant Secretary for Planning and Evaluation is planning a data collection which will compare modes of service delivery used to provide personal care services to the frail elderly and disabled persons of all ages. The three main provider modes to be compared are consumer-directed independent providers, supported independent providers, and contract or agency providers. The comparison is intended to further knowledge of the advantages and disadvantages of the alternative provider modes. Respondents: Individuals or households; state or local governments, business or other for-profit, not-for-profit institutions. Burden Information for Client Questionnaire—Responses: 1230; Burden per Response: 45 minutes; Total Burden: 923 hours—Burden for Provider Questionnaire—Response: 530; Burden per Response: 40 minutes; Total Burden: 353 hours—Burden Information for Case Manager Questionnaire—Responses: 100; Burden per Response: 60 minutes; Total Burden: 100 hours—Burden Information for Client Qualitative Interview—Responses: 100; Burden per Response: 60 minutes; Total Burden: 100 hours—Burden Information for Provider Qualitative Interview—Responses: 150; Burden per Response: 55 minutes; Total Burden: 137 hours—Burden Information for Family Qualitative Interview—Responses: 150; Burden per Response: 45 minutes; Total Burden: 113 hours—Total Burden for Project: 1,726 hours.

Send comments to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue S.W., Washington, DC, 20201. Written comments should be received within 60 days of this notice.

Dated: February 26, 1996.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 96–4796 Filed 2–29–96; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 88F–0167]

Ciba-Geigy Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 8B4080), filed by Ciba-Geigy Corp. proposing that the food additive regulations be amended to provide for the safe use of *N,N′*-1,4-phenylenebis[4-[(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of May 26, 1988 (53 FR 19045), FDA announced that a food additive petition (FAP 8B4080) had been filed on behalf of Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532 (currently c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001). The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of *N,N′*-1,4-phenylenebis[4-(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers. Ciba-Geigy Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 12, 1996.

Laura M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4712 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 90F–0071]

Ciba-Geigy Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to future filing, of a food additive petition (FAP 9B4162), filed by Ciba-Geigy Corp. proposing that the food additive regulations be amended to provide for the safe use of 3,3′-[(2-chloro-5-methyl-1,4-phenylene)bis[imino(1-acetyl-2-oxo-2,1-ethanediyl)azo]]bis[4-chloro-*N*-(3-chloro-2-methylphenyl)benzamide] as a colorant for food-contact polymers.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 16, 1990 (55 FR 9975), FDA announced that a food additive petition (FAP 9B4162) had been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188 (currently, c/o 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3297 *Colorants for polymers* (21 CFR 178.3297) to provide for the safe use of 3,3′-[(2-chloro-5-methyl-1,4-phenylene)bis[imino(1-acetyl-2-oxo-2,1-ethanediyl)azo]]bis[4-chloro-*N*-(3-chloro 2-methylphenyl)benzamide] as a colorant for food-contact polymers. Ciba-Geigy Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 9, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4713 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 88F–0208]

Ciba-Geigy Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to future filing, of a food additive petition (FAP 8B4079), filed by Ciba-Geigy Corp., proposing that the food additive regulations be amended to provide for the safe use of N,N'-(2-chloro-1,4-phenylene)bis[4-[(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers.

FOR FURTHER INFORMATION CONTACT: Hortense S. Macon, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3086.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of July 20, 1988 (53 FR 27399), FDA announced that a food additive petition (FAP 8B4079) had been filed by Ciba-Geigy Corp., Three Skyline Dr., Hawthorne, NY 10532 (currently, c/o

1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 178.3297 Colorants for polymers (21 CFR 178.3297) to provide for the safe use of N,N'-(2-chloro-1,4-phenylene)bis[4-[(2,5-dichlorophenyl)azo]-3-hydroxy-2-naphthalenecarboxamide] as a colorant for food-contact polymers. Ciba-Geigy Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 9, 1996.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 96–4715 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

Investigational Biological Product Trials; Procedure to Monitor Clinical Hold Process; Meeting of Review Committee and Request for Submissions

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a meeting of its clinical hold review committee, which reviews the clinical hold orders that the Center for Biologics Evaluation and Research (CBER) has placed on certain investigational biological product trials. FDA is inviting any interested biological product company to use this confidential mechanism to submit to the committee for its review the name and number of any investigational biological product trial placed on clinical hold during the past 12 months that the company wants the committee to review.

DATES: The meeting will be held in May 1996. Biological product companies may submit review requests for the May meeting by April 1, 1996.

ADDRESSES: Submit clinical hold review requests to Amanda B. Pedersen, FDA Chief Mediator and Ombudsman, Office of the Commissioner (HF–7), Food and Drug Administration, 5600 Fishers Lane, rm. 14–105, Rockville, MD 20857, 301–827–3390.

FOR FURTHER INFORMATION CONTACT: Joy A. Cavagnaro, Center for Biologics Evaluation and Research (HFM–2), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–0379.

SUPPLEMENTARY INFORMATION: FDA regulations in part 312 (21 CFR part 312) provide procedures that govern the use of investigational new drugs and biologics in human subjects. If FDA determines that a proposed or ongoing study may pose significant risks for human subjects or is otherwise seriously deficient, as discussed in the investigational new drug regulations, it may order a clinical hold on the study. The clinical hold is one of FDA's primary mechanisms for protecting subjects who are involved in investigational new drug or biologic trials. Section 312.42 describes the grounds for ordering a clinical hold.

A clinical hold is an order that FDA issues to a sponsor to delay a proposed investigation or to suspend an ongoing investigation. The clinical hold may be ordered on one or more of the investigations covered by an investigational new drug application (IND). When a proposed study is placed on clinical hold, subjects may not be given the investigational drug or biologic as part of that study. When an ongoing study is placed on clinical hold, no new subjects may be recruited to the study and placed on the investigational drug or biologic and patients already in the study should stop receiving therapy involving the investigational drug or biologic unless FDA specifically permits it.

When FDA concludes that there is a deficiency in a proposed or ongoing clinical trial that may be grounds for ordering a clinical hold, ordinarily FDA will attempt to resolve the matter through informal discussions with the sponsor. If that attempt is unsuccessful, a clinical hold may be ordered by or on behalf of the director of the division that is responsible for the review of the IND.

FDA regulations in § 312.48 provide dispute resolution mechanisms through which sponsors may request reconsideration of clinical hold orders. The regulations encourage the sponsor to attempt to resolve disputes directly with the review staff responsible for the review of the IND. If necessary, the sponsor may request a meeting with the review staff and management to discuss the clinical hold.

CBER began a process to evaluate the consistency and fairness of practices in ordering clinical holds by instituting a review committee to review clinical holds (see 61 FR 1033, January 11, 1996). CBER held its first clinical hold review committee meeting on May 17, 1995, and plans to conduct further quality assurance oversight of the IND process. The committee last met in February 1996. The review procedure of the committee is designed to afford an opportunity for a sponsor who does not wish to seek formal reconsideration of a pending clinical hold to have that clinical hold considered ''anonymously.'' The committee consists of senior managers of CBER, a senior official from the Center for Drug Evaluation and Research, and the FDA Chief Mediator and Ombudsman.

Clinical holds to be reviewed will be chosen randomly. In addition, the committee will review some of the clinical holds proposed for review by biological product sponsors. In general, a biological product sponsor should consider requesting review when it disagrees with FDA's scientific or procedural basis for the decision.

Requests for committee review of a clinical hold should be submitted to the FDA Chief Mediator and Ombudsman, who is responsible for selecting clinical holds for review. The committee and CBER staff, with the exception of the FDA Chief Mediator and Ombudsman, are never advised, either in the review process or thereafter, which of the clinical holds were randomly chosen and which were submitted by sponsors. The committee will evaluate the selected clinical holds for scientific content and consistency with FDA regulations and CBER policy.

The meetings of the review committee are closed to the public because committee discussions deal with confidential commercial information. Summaries of the committee deliberations, excluding confidential commercial information, may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. If the status of a clinical hold changes following the committee's review, the appropriate division will notify the sponsor.

FDA invites biological product companies to submit to the FDA Chief Mediator and Ombudsman the name and IND number of any investigational biological product trial that was placed on clinical hold during the past 12 months that they want the committee to review at its May 1996 meeting. Submissions should be made by April 1, 1996, to Amanda B. Pedersen, FDA Chief Mediator and Ombudsman (address above).

Dated: February 26, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–4785 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

The Ryan White Comprehensive AIDS Resources Emergency Act of 1990 Availability of Funds for Early Intervention Services

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of Pre-Application Technical Assistance Workshops.

SUMMARY: The Health Resources and Services Administration will hold two pre-application technical assistance workshops for competing applicants under Title III(b), HIV Early Intervention Services, of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, Public Law 101–381.

Eligible applicants are public entities and nonprofit private entities that are: Migrant health centers under Section 329 of the PHS Act; community health centers under Section 330 of the PHS Act; health care for the homeless grantees under Section 340 of the PHS Act; family planning grantees under Section 1001 of the PHS Act other than States; comprehensive hemophilia diagnostic and treatment centers; federally-qualified health centers under section 1905(1)(2)(B) of the Social Security Act; or public and private nonprofit entities that currently provide comprehensive primary care services to populations at risk of HIV disease.

PURPOSE: The purpose of the technical assistance workshops is to provide information about the Ryan White CARE Act Early Intervention Services program and application procedures. Eligible entities will have an opportunity to review the program guidance and to receive technical assistance pertaining to all aspects of writing a grant applications.

FOR FURTHER INFORMATION CONTACT: Anyone interested in attending the meetings should contact Ms. Andrea Kay, Professional and Scientific Associates, Inc., 8180 Greensboro Drive, Suite 1050, McLean, VA 22102. She may be reached by telephone at 703–442–9824 or by fax at 703–442–9826. Room reservations should be made directly with the hotel. Costs of attending the workshop are the sole responsibility of the attendee.

DATE, TIME, LOCATION:

Thursday, March 14, 1996, 9:00 a.m.–5:00 p.m., Radisson Hotel Dallas, Dallas, Texas, 214–634–8850

Friday, March 22, 1996, 9:00 a.m.–5:00 p.m., Doubletree Hotel, Rockville, Maryland, 301–468–1100

The OMB Catalog of Federal Domestic Assistance number for this program is 93.918.

Dated: February 26, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–4720 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Cancer Institute Notice of Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings of the National Cancer Institute Board of Scientific Advisors and the Board of Scientific Counselors, National Cancer Institutes on March 21, 1996 at the National Institutes of Health, 9000 Rockville Pike Building 31, C Wing, 6th Floor, Conference Rooms 10, 9 and 8, Bethesda, MD 20892.

A joint session of the two committees will be open to the public in Conference Room 10 from 8:30 am to 12:30 pm for orientation of members.

These meetings will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. for discussion of confidential issues relating to the review and evaluation of individual programs and projects. These discussions will reveal confidential trade secrets or commercial property such as patentable material, and personal information including consideration of personnel qualifications and performance, the competence of individual investigators and similar matters, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Committee Name: National Cancer Institute Board of Scientific Advisors.

Closed: March 21, 1996, 12:30 to 5:00 pm.

Agenda: To discuss confidential issues relating to the review and evaluation of individual extramural programs and projects.

Committee Name: Board of Scientific Counselors, National Cancer Institute.

Closed: March 21, 1996, 12:30 to 5:00 pm.

Agenda: To discuss administrative confidential site visit reports pertaining to laboratories in the Divisions of Basic and Clinical Sciences.

Information pertaining to the meetings may be obtained from Dr. Paulette Gray, Executive Secretary, National Cancer Institute Board of Scientific Advisors, National Cancer Institute, 6130 Executive Blvd., EPN, Rm 600, Bethesda, MD 20892, (301–496–4218). Individuals who plan to attend the open session and need special assistance such as sign language interpretation or other reasonable accommodations should contact Dr. Paulette Gray in advance of the meeting.

Dated: February 23, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4746 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Notice of a Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Heart, Lung, and Blood Special Emphasis Panel (SEP) meeting:

Name of SEP: Review on the Early Natural History of Arteriosclerosis.

Date: March 28, 1996.

Time: 11 a.m.

Place: DoubleTree Hotel, 300 Army Navy Drive, Arlington, Virginia.

Contact Person: C. James Scheirer, Ph.D., Two Rockledge Center, Room 7220, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0266.

Purpose/Agenda: To review and evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: February 26, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4742 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis panel (SEP) meeting:

Name of SEP: Cooperative Clinical Trial in Adult Transplantation.

Date: March 21, 1996.

Time: 10:30 a.m.

Place: Solar Bldg., Room 4A07, 6003 Executive Boulevard, Bethesda, MD 20892.

Contact Person: Dr. Kevin Callahan, Scientific Review Adm., 6003 Executive Boulevard, Solar Bldg., Room 4C20, Bethesda, MD 20892–7610, (301) 496–8424.

Purpose/Agenda: To evaluate grant applications.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institute of Health.)

Dated: February 26, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4743 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Behavioral and Neurosciences.

Date: March 14, 1996.

Time: 10 a.m.

Place: Holiday Inn, Bethesda, MD.

Contact Person: Dr. Herman Teitelbaum, Scientific Review Administrator, 6701 Rockledge Drive, Room 5190, Bethesda, Maryland 20892, (301) 435–1254.

Name of SEP: Clinical Sciences.

Date: March 20, 1996.

Time: 10 a.m.

Place: NIH, Rockledge 2, Room 4218, Telephone Conference.

Contact Person: Dr. Shirley Hilden, Scientific Review Administrator, 6701 Rockledge Drive, Room 4218, Bethesda, Maryland 20892, (301) 435–1198.

Name of SEP: Behavioral and Neurosciences.

Date: March 25, 1996.

Time: 8:30 a.m.

Place: Holiday Inn, Bethesda, MD.

Contact Person: Dr. Lillian Pubols, Scientific Review Administrator, 6701 Rockledge Drive, Room 5184, Bethesda, Maryland 20892, (301) 435–1255.

Name of SEP: Biological and Physiological Sciences.

Date: March 26–27, 1996.

Time: 8 a.m.

Place: The Courtyard by Marriott, Rockville, MD.

Contact Person: Dr. Gilbert Meier, Scientific Review Administrator, 6701 Rockledge Drive, Room 4200, Bethesda, Maryland 20892, (301) 435–1219.

Name of SEP: Biological and Physiological Sciences.

Date: March 28, 1996.

Time: 8 a.m.

Place: American Inn, Bethesda, MD.

Contact Person: Dr. Nicholas Mazarella, Scientific Review Administrator, 6701 Rockledge Drive, Room 5128, Bethesda, Maryland 20892, (301) 435–1018.

Name of SEP: Behavioral and Neurosciences.

Date: March 29, 1996.

Time: 9 a.m.

Place: Holiday Inn, Chevy Chase, MD.

Contact Person: Dr. Jane Hu, Scientific Review Administrator, 6701 Rockledge Drive, Room 5158, Bethesda, Maryland 20892, (301) 435–1245.

Name of SEP: Biological and Physiological Sciences.

Date: April 15, 1996.

Time: 10 a.m.

Place: NIH, Rockledge 2, Room 5200, Telephone Conference.

Contact Person: Dr. Robert Weller, Scientific Review Administrator, 6701 Rockledge Drive, Room 5200, Bethesda, Maryland 20892, (301) 435–1259.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93,893, National Institutes of Health, HHS)

Dated: February 23, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4726 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Amended Notice of Meeting

Notice is hereby given of a change in the meeting April 9–10, 1996, 8:30 a.m., ANA Hotel, Washington, DC, of the Oral Biology and Medicine Study Section (1), which was published in the Federal Register on February 9, 1996 (61 28 FR 5006).

This meeting has been changed to March 27–28, 1996, Holiday Inn Old Town, Alexandria, Virginia. As previously announced the meeting will begin at 8:30 a.m. and is closed to the public.

Dated: February 23, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4744 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Biological and Physiological Sciences.

Date: March 21–22, 1996.

Time: 7:00 p.m.

Place: Ramada Inn, Rockville, Maryland.

Contact Person: Dr. Anthony D. Carter, Scientific Review Administrator, 6701 Rockledge Drive, Room 5108, Bethesda, Maryland 20892, (301) 435–1167.

Name of SEP: Clinical Sciences.

Date: March 27, 1996.

Time: 8:30 a.m.

Place: Holiday Inn, Bethesda, Maryland.

Contact Person: Dr. Gertrude McFarland, Scientific Review Administrator, 6701 Rockledge Drive, Room 4110, Bethesda, Maryland 20892, (301) 435–1784.

Name of SEP: Chemistry and Related Sciences.

Date: March 28, 1996.

Time: 11:00 a.m.

Place: NIH, Rockledge 2, Room 4176, Telephone Conference.

Contact Person: Dr. Mike Radtke, Scientific Review Administrator, 6701 Rockledge Drive, Room 4176, Bethesda, Maryland 20892, (301) 435–1728.

Name of SEP: Biological and Physiological Sciences.

Date: April 1, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5124, Telephone Conference.

Contact Person: Dr. Everett Sinnett, Scientific Review Administrator, 6701 Rockledge Drive, Room 5124, Bethesda, Maryland 20892, (301) 435–1016.

Name of SEP: Biological and Physiological Sciences.

Date: April 4, 1996.

Time: 2:00 p.m.

Place: NIH, Rockledge 2, Room 5124, Telephone Conference.

Contact Person: Dr. Everett Sinnett, Scientific Review Administrator, 6701 Rockledge Drive, Room 5124, Bethesda, Maryland 20892, (301) 435–1016.

Name of SEP: Chemistry and Related Sciences.

Date: April 10, 1996.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4154, Telephone Conference.

Contact Person: Dr. Gopa Rakhit, Scientific Review Administrator, 6701 Rockledge Drive,

Room 4154, Bethesda, Maryland 20892, (301) 435–1721.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93, 893, National Institutes of Health, HHS)

Date: February 23, 1996.

Susan K. Feldman,

Committee Management Officer, NIH.

[FR Doc. 96–4745 Filed 2–29–96; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Availability.

Notice of Availability of the Final Joint Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) on the proposed issuance of an incidental take permit for the endangered Stephens' Kangaroo Rat (SKR) in Western Riverside County, California. The Record of Decision will be published no sooner than 30 days from this notice.

SUMMARY: This notice advises the public that the Final Joint EIS/EIR on the application to incidentally take SKR is available for public review. The Riverside County Habitat Conservation Agency (RCHCA) has applied to the U.S. Fish and Wildlife Service (Service) for a 30-year Incidental Take Permit pursuant to section 10(a)(1)(B) of the Endangered Species Act. Publication of the Record of Decision and issuance of the permit will occur no sooner than 30 days from this notice. This notice is provided pursuant to section 10 of the Act and the National Environmental Policy Act Regulations (40 CFR 1506.6).

FOR FURTHER INFORMATION CONTACT: Pete Sorensen, Endangered Species Division, Chief, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Ave. West, Carlsbad, California 92008, (619) 431–9440).

Individuals wishing copies of this Final EIS/EIR should immediately contact the RCHCA at (909) 275–1100. Documents will be available for public inspection by appointment during normal business hours (8 a.m. to 5 p.m., Monday through Thursday) at the RCHCA, 4080 Lemon Street, 12th Floor, Riverside, California, 92501. Documents will also be available for public inspection by appointment during normal business hours (8 am to 5 pm, Monday through Friday) at the Service Office at the above referenced address and telephone. A letter announcing availability of the Final Joint EIS/EIR has been sent to all agencies and parties who previously received notice of availability of the Draft EIS/EIR, and/or who requested a copy of the Draft EIS/EIR or commented on the Draft EIS/EIR.

SUPPLEMENTARY INFORMATION:

Background

The Service listed the SKR as an endangered species, on October 31, 1988 (53 FR 38485), under the Endangered Species Act of 1973, as amended (Act). Under the Act, no person may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect the species, or attempt to engage in such conduct (16 USC 1538). The Service, however, may issue permits to conduct activities involving endangered species under certain circumstances, including carrying out scientific purposes, enhancing the propagation or survival of the species, or incidentally taking the species in connection with otherwise lawful activities. Regulations governing permits are in 50 CFR 17.22, 17.23, and 17.32.

The RCHCA presently has a short-term 10(a)(1)(B) permit from the Service to incidentally take SKR's in connection with various proposed public and private projects in the western portion of Riverside County. Under the program established through this interim permit, SKR habitat in public and private ownership is being acquired and managed for the long-term benefit of the species. Acquisition of private lands is funded in part from mitigation fees collected by the RCHCA as developments proceed. As intended when the interim permit was granted in August 1990, the RCHCA is applying to the Service for a 30-year incidental take permit for the same purposes. The area covered by the proposed 30-year permit will include much of the historical range of the SKR in Riverside County and will allow development to proceed on 15,000 acres of occupied SKR habitat. The permit application was received on April 14, 1995, and was accompanied by the Long-term SKR Habitat Conservation Plan that details proposed measures to minimize, monitor, and mitigate impacts of the proposed take of SKR.

The applicants propose to minimize and mitigate the impacts of take by ensuring that the seven proposed Core Reserves are established by completing the acquisitions and securing the remaining agreements necessary to conserve the remaining private lands in those reserves. The habitat within the reserves will be conserved by restricting any take within the Core Reserves. To help manage the reserves the non-wasting endowments or equivalent annual funding sources will be established in the amount of $6,000,600. Through cooperative agreements with BLM, the Core Reserves will be expanded to 15,000 acres of occupied SKR habitat.

The funding for the implementation of the plan will be provided through a combination of local, Federal and State contributions. Federal and State agencies will provide $2.5 million in land acquisition funding and ''in lieu'' land management services, and a matching fund of $1.6 million towards financing the plan. BLM will provide 10,700 acres of Federal land for exchange, which will then be sold to purchase an additional 2,500 acres of occupied SKR habitat adjacent to the current reserves. The State will provide partial management for the state lands at San Jacinto/Perris Core Reserve and through a cooperative effort with RCHCA try to reduce or eliminate the balance of management funds required for this reserve.

The underlying purpose or goal of the proposed action is to develop a program designed to ensure the continued existence of the species, while resolving potential conflicts that may arise from otherwise lawful private and public improvement projects.

Development of the Final EIS/EIR

This draft Joint EIS/EIR has been developed cooperatively by the Service, Carlsbad Field Office (lead agency); and the RCHCA.

In the development of this Final Joint EIS/EIR, the Service has initiated action to assure compliance with the purpose and intent of the National Environmental Policy Act of 1969 (NEPA), as amended. Scoping activities were undertaken preparatory to developing the Draft EIS/EIR with a variety of Federal, State, and local entities. A Notice of Intent to prepare the EIS/EIR was published in the Federal Register on March 2, 1993.

The RCHCA's preparation of the long-term HCP has been on-going since the short-term permit was authorized. In

March 1993, the Service and the RCHCA initiated a joint scoping process for the preparation of a combined EIS/EIR in anticipation of the Service receiving a permit application for a 30-year Section 10(a) permit for incidental take SKR. The scoping process was initiated in accordance with NEPA to solicit comments on issues and alternatives to be addressed in the EIS/EIR. Because of the extended two-year scoping process, the Draft Scoping Report was prepared to update public knowledge of the scoping process. This report summarized the 2-year scoping process, identified the scoping issues raised by interested parties at public meetings and in written statements, and outlined the issues and alternatives to be addressed in the Draft EIS/EIR. The availability of the Draft Scoping Report was published in the Federal Register on March 24, 1995.

A Notice of Availability of a Draft EIS/EIR and receipt of an Application for an Incidental Take Permit for SKR in Western Riverside County, California was published in the Federal Register August 4, 1995.

Potential consequences, in terms of adverse impacts and benefits associated with the implementation of each alternative, were described in the Draft EIS/EIR. The Service received 39 letters of comment on the Draft EIS/EIR that primarily focused on the following subject areas: (1) The range of alternatives in the document; (2) inadequate analysis of effects to SKR, effects on local General Plans, effects on local economic conditions, cumulative effects, and growth-inducing effects; (3) mitigation measures for effects to SKR; (4) population viability analysis model; and (5) analysis of funding requirements, sources and assurances.

The Responses to Comments document for the FEIS/EIR contains copies of all comments received and responses to all comments received. Issues and potential consequences remain constant from the Draft to the Final EIS/EIR.

Alternatives Analyzed in the Final EIS/EIR

Four alternatives were considered for analysis in the Final EIS/EIR: (1) Proposed Action/Project (approve and implement the Long-term SKR HCP); (2) Expanded Conservation/Protection (conserve additional SKR habitat); (3) Existing Reserves/Public Lands (focus of SKR habitat already protected); and (4) a No Project/No Action Alternative (assume no regional program). Issuance of the permit with the mitigating, minimizing, and monitoring measures outlined in the Proposed Action/Project alternative is the Service's preferred action and is discussed above. Key issues addressed in the Final EIS/EIR are identified as the effects that implementation of various alternatives would have upon: (1) The endangered SKR; (2) other wildlife and their habitats; (3) land uses and general plans; (4) provision of public facilities, services and utilities; and (5) social and economic conditions. In addition, a second assessment of funding was prepared in response to comments on the Draft EIS/EIR.

Each alternative was evaluated for its potential to result in significant adverse impacts, and the adequacy or inadequacy of the proposed measures to avoid, minimize, and substantially reduce the effects.

Dated: February 22, 1996.

Thomas Dwyer,

Deputy Regional Director, Region 1, Portland, Oregon.

[FR Doc. 96–4496 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–P

Extension of the Public Comment Period for the ''Black-footed Ferret Survey Guidelines for Oil and Gas Activities in Wyoming for Compliance With the Endangered Species Act''

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of extension of comment period.

SUMMARY: The Fish and Wildlife Service is extending the comment period for review of the draft ''Black-footed Ferret Survey Guidelines For Oil And Gas Activities In Wyoming For Compliance With The Endangered Species Act.''

DATES: Comments on the draft guidelines must be received on or before March 15, 1996, to ensure they receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft guidelines may obtain a copy by contacting the Field Supervisor, Ecological Services, U.S. Fish and Wildlife Service, 4000 Morrie Avenue, Cheyenne, Wyoming 82001. Written comments and materials regarding the draft guidelines should be sent to the Field Supervisor at the Cheyenne address given above. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Chuck Davis (see **ADDRESSES** above), at telephone 307/772–2374.

SUPPLEMENTARY INFORMATION:

Background

The Fish and Wildlife Service (Service) published a Notice of Availability of the draft ''Black-footed Ferret Survey Guidelines for Oil and Gas Activities in Wyoming for Compliance with the Endangered Species Act'' which appeared in the Federal Register on January 30, 1996 (61 FR 3051). It established a public comment period ending on February 29, 1996. Requests for extending the comment period have been received from persons that have indicated that 30 days is not sufficient time to review and comment on the Guidelines. The comment period is, therefore, extended to march 15, 1996.

Public Comments Solicited

The Service solicits written comments on the draft guidelines described above. All comments received by the date specified in the **DATES** section above will be considered prior to approval of the guidelines.

Dated: February 23, 1996.

Terry T. Terrell,

Deputy Regional Director, Denver, CO.

[FR Doc. 96–4806 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[UT–054–1040–00–24–1A]

Land Closure; Utah

AGENCY: Bureau of Land Management.

ACTION: Notice of closure and restriction on public land.

SUMMARY: Notice is hereby given that, effective immediately and until further notice, the last 1,000 feet of the road leading to the warm springs, near Gandy Utah, located in the SW¼ of Sec. 31, T. 15 S., R. 19 W. S.L.B.M., Utah, is closed to all vehicular traffic. Personnel that are exempt from the closure include any federal, state, or local officer, or member of any organized rescue or fire fighting force in the performance of an official duty, or any person authorized by the Bureau. Foot traffic will be allowed.

The purpose of the closure is to protect the riparian and wildlife values associated with the spring and to reduce erosion caused by vehicle travel on this section of road.

The authority for this closure is the Code of Federal Regulations, Title 43 Subpart 8364.1.

FOR FURTHER INFORMATION CONTACT: Rex Rowley, House Range Resource Area Manager. P.O. Box 778 Fillmore, UT 84631 or Phone 801–743–6811.

Dated: February 22, 1996.

David R. Henderson,

Associate District Manager.

[FR Doc. 96–4812 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–DQ–P

Notice of Meeting; Lower Snake River District

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet on March 16, 1996 at 9:00 a.m. to begin developing proposed guidelines for managing livestock grazing on public lands. The Council will continue their work on the proposed guidelines on March 28 and 29 beginning at 8:30 a.m. both days. A public comment period will be held at 11:00 a.m. on all three days.

DATES: March 16, 1996, beginning at 9:00 a.m.; March 28 and 29, 1996, beginning at 8: 30 a.m.

ADDRESSES: The meetings will be held at the Bureau of Land Management's Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96–4809 Filed 2–29–96; 8:45 am]

BILLING CODE 1020–GG–P

Bureau of Land Management

[OR–030–06–1220–00: GP6–0075]

Notice of Meeting of Southeastern Oregon Resource Advisory Council

AGENCY: Vale District, Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is given that a meeting of the Southeastern Oregon Resource Advisory Council will be held April 1, 1996 from 8 a.m. to 9 p.m. and April 2, 1996 from 8 a.m. to 12 p.m. at the Harney County Museum Club Room, 18 West ''D'' Street, Burns, Oregon.

At an appropriate time, the Council will recess for approximately one hour for lunch and one and one-half hours for dinner. Public comments will be received from 7 p.m. to 7:30 p.m., April 1. Topics to be discussed are administrative activities of the Council, the Southeastern Oregon Resource Management Plan, and standards and guidelines for livestock grazing on public lands.

DATES: The meeting will begin at 8 a.m. and run to 9 p.m. April 1, 1996 and 8 a.m. to 12 p.m. April 2, 1996.

ADDRESSES: The meeting will take place in the Harney County Museum Club Room, 18 West ''D'' Street, Burns, Oregon.

FOR FURTHER INFORMATION CONTACT: Jonne Hower, Bureau of Land Management, Vale District, 100 Oregon Street, Vale, OR 97918 (Telephone 541 473–3144).

James E. May,

District Manager.

[FR Doc. 96–4747 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–33–M

Bureau of Land Management

State Office Identifier (NM–930–1310–01); (NMNM 84866) New Mexico: Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease NMNM 84866 for lands in Eddy County, New Mexico, was timely filed and was accompanied by all required rentals and royalties accruing from September 1, 1995, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and has reimbursed the Bureau of Land Management for the cost of this Federal Register notice.

The lessee has met all the requirements for reinstatement of the lease as set out in Sections 31(d) and (e) of the Mineral Leasing Act of 1920 (30 USC 188), and the Bureau of Land Management is proposing to reinstate the lease effective September 1, 1995, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

FOR FURTHER INFORMATION CONTACT: Becky C. Olivas, BLM, New Mexico State Office, (505) 438–7609.

Dated: February 22, 1996.

Becky C. Olivas,

Land Law Examiner, Fluids Adjudication Team 1.

[FR Doc. 96–4808 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–FB–M

[NM–070–1430–01; NMNM95249]

Notice of Realty Action; Recreation and Public Purpose (R&PP) Act Classification, New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of R&PP lease/patent of public land in Sandoval County, New Mexico.

SUMMARY: The following described public land is determined suitable for classification for leasing and patenting to the Presbyterian Medical Services (Presbyterian), Cuba, New Mexico under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*). Presbyterian proposes to use the land for medical clinic facilities.

New Mexico Principal Meridian

T. 23 N., R. 6 W.,

Sec. 21, E½SE¼NW¼NE¼.

Containing 5 acres, more or less.

COMMENT DATES: On or before April 15, 1996 interested parties may submit comments regarding the proposed leasing and conveyance or classification of the lands to the Bureau of Land Management at the following address. Any adverse comments will be reviewed by the Bureau of Land Management, Farmington District Manager, 1235 LaPlata Highway, Farmington, NM 87401, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action becomes the final determination of the Department of the Interior and effective April 29, 1996.

FURTHER INFORMATION: Information related to this action including the environmental assessment, is available for review at the Bureau of Land Management, Farmington District Office, 1235 LaPlata Highway, Farmington, NM 87401.

SUPPLEMENTARY INFORMATION: Publication of this notice segregates the public land described above from all other forms of appropriation under the public land laws, including the general mining laws, except for leasing and conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws for a period of two (2) years from date of this publication in the Federal Register. The segregative affect will terminate upon issuance of the lease and patent to Presbyterian, or two (2) years from the date of this publication, whichever occurs first.

The lease, when issued, will be subject to the following terms:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. Provisions of the Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. 6901–6987 and the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended, 42 U.S.C. 9601 and all applicable regulations.

3. Provisions of Title VI of the Civil Rights Act of 1964.

4. Provisions that the lease be operated in compliance with the approved Development Plan.

The patent, when issued, will be subject to the following terms:

1. Reservation to the United States of a right-of-way for ditches and canals in accordance with 43 U.S.C. 945.

2. Reservation to the United States of all minerals.

3. All valid existing rights, e.g. rights-of-way and leases of record.

4. Provisions that if the patentee or its successor attempts to transfer title to or control over the land to another or the land is devoted to a use other than that for which the land was conveyed, without the consent of the Secretary of the Interior or his delegate, or prohibits or restricts, directly or indirectly, or permits its agents, employees, contractors, or subcontractors, including without limitation, lessees and permittees), to prohibit or restrict, directly or indirectly, the use of any part of the patented lands or any of the facilities whereon by any person because of such person's race, creed, color, or national origin, title shall revert to the United States.

The lands are not needed for Federal purposes. Leasing and later patenting is consistent with current Bureau of Land Management policies and land use planning. The estimated intended time of lease issuance is April 30, 1996, with the patent being issued upon substantial development taking place. The proposal serves the public interest since it would provide modern facilities that would meet the medical needs of the surrounding public.

Dated: February 22, 1996.

Robert Moore,

Acting Assistant District Manager for Lands and Renewable Resources.

[FR Doc. 96–4724 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–FB–M

[UT–942–1430–01; U–67483]

Notice, Direct Sale of Public Lands and Application to Purchase the Mineral Estate, and Recreation and Public Purposes Classification Termination, Washington County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described public lands have been found suitable for sale under section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the appraised fair market value. The lands will not be offered for sale for at least 60 days after the date of publication of this notice.

Salt Lake Meridian

T. 41 S., R. 13 W.,
Sec. 29, N½NE¼NW¼SW¼, W½NW¼SW, N½NW¼SW¼SW¼, SW¼NW¼SW¼SW¼;

Containing 32.50 acres.

Publication of this notice segregates the public lands described above from appropriation under the public land laws and the mining laws. The segregation will end upon disposition of this action, or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered for direct sale to the City of Hurricane, Utah, for a municipal golf course. Disposal of this tract would serve important public objectives, including community expansion and economic development. Pursuant to Section 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1719) the City has made application to purchase the mineral estate of the above described land.

The patent, when issued, would reserve to the United States:

A right-of-way for ditches and canals constructed under the authority of the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945 (1970)).

The patent would also be subject to the following existing rights:

1. Rights-of-way to the City of Hurricane for a road and powerline, serial number U–55652, and sewer line, serial number U–44040.

2. Right-of-way to the Utah Association of Municipal Power for a powerline, serial number U–72212.

In conjunction with this land sale, there is an exchange being processed with the City of Hurricane which involves public lands adjacent to the 32.5 acres proposed for sale. These lands are currently under a Recreation and Public lease. There are 155 acres currently classified for Recreation and Public Purposes, located in the S½ section 29, T. 43 S., R. 13 W. For a complete legal description of these lands contact the Dixie Resource Area Office at the address listed below. The classification for these lands will be terminated upon issuance of a patent conveying title to the public lands.

Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Dixie Resource Area Office Bureau of Land Management, 345 East Riverside Drive, St. George.

For a period of 45 days from the date of publication of this notice in the Federal Register, interested parties may submit comments to the Area Manager, Dixie Resource Area, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: February 21, 1996.

Jerry Meredith,

District Manager.

[FR Doc. 96–4811 Filed 2–29–96; 8:45 am]

BILLING CODE 4210–DQ–M

[ID–957–1430–00]

Idaho: Filing of Plats of Survey; Idaho

The plat of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., February 21, 1996.

The plat representing the corrective dependent resurvey of portions of the subdivisional lines and subdivision of section 11, T. 10 S., R. 27 E., Boise, Meridian, Idaho, Group No. 925, was accepted, February 21, 1996.

This survey was executed to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: February 21, 1996.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 96–4810 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–GG–M

National Park Service

Dayton Aviation Heritage Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the

Dayton Aviation Heritage Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Monday, March 25, 1996; 5:15 p.m. to 6:30 p.m.

ADDRESSES: Innerwest Priority Board conference room, 1024 West Third Street, Dayton, Ohio 45407.

AGENDA TOPICS INCLUDE: Update on the park and general management plan. This business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the Superintendent, Dayton Aviation, one week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: William Gibson, Superintendent, Dayton Aviation, National Park Service, P.O. Box 9280, Wright Brothers Station, Dayton, Ohio 45409, or telephone 513–225–7705.

SUPPLEMENTARY INFORMATION: The Dayton Aviation Heritage Commission was established by Public Law 102–419, October 16, 1992.

Dated: February 16, 1996.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 96–4782 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–70–P

Mississippi River Coordinating Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Monday, April 1, 1996; 6:30 p.m. to 9:30 p.m.

ADDRESSES: Metropolitan Council Chambers, 230 Fifth Street East, St. Paul, Minnesota.

An agenda for the meeting will be available by March 20, 1996, from the Superintendent of the Mississippi National River and Recreation Area at the address below. Public statements about matters related to the Mississippi National River and Recreation Area will be taken at the meeting.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by Public Law 100–696, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Superintendent JoAnn Kyral, Mississippi National River and Recreation Area, 175 East Fifth Street, Suite 418, St. Paul, Minnesota 55101 or telephone 612–290–4160.

Dated: February 16, 1996.

William W. Schenk,

Field Director, Midwest Field Area.

[FR Doc. 96–4783 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–70–P

Office of Surface Mining Reclamation and Enforcement

Cancellation of a Notice of Intent To Prepare an Environmental Impact Statement on the Proposed Development of the Bull Mountains Mine No. 1 and Associated Support Facilities, Musselshell and Yellowstone Counties, Montana

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Cancellation of a notice of intent to prepare an environmental impact statement.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) is cancelling the notice published in the Federal Register on May 9, 1990 (55 FR 19365) for the preparation of an environmental impact statement (EIS) on the proposed development of the Bull Mountains Mine No. 1 and its associated support facilities. Meridian Minerals Company (Meridian) had submitted a permit application package (PAP) for their proposed underground coal mine and its associated support facilities, located about 35 miles northeast of Billings, Montana and 12 miles southeast of Roundup, Montana. Decisions on the application for a Federal permit to mine coal and for the possible Federal approval of a mining plan are no longer required.

FOR FURTHER INFORMATION CONTACT: Floyd McMullen, Environmental Project Manager, Office of Surface Mining Reclamation and Enforcement, Western Regional Coordinating Center, 1999 Broadway, Suite 3320, Denver, Colorado 80202–5733 (telephone: 303–672–5601).

Dated: February 14, 1996.

Richard J. Seibel,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 96–4800 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–05–M

Request for Determination of Valid Existing Rights Within the Wayne National Forest

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of request for determination and invitation for interested persons to participate.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has received a request for a determination that Buckingham Coal Co., Inc. (the requester) has valid existing rights (VER) pursuant to section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) to mine coal by surface methods on 25.2 acres of Federal land within the Wayne National Forest in Perry County, Ohio. By this notice, OSM is inviting interested persons to participate in the proceeding and to submit relevant factual information on the matter.

DATES: OSM will accept written comments on this request until 5:00 p.m. local time on April 15, 1996.

ADDRESSES: Mail or hand deliver written comments to the Office of Surface Mining Reclamation and Enforcement, Appalachian Regional Coordinating Center, Room 218, Three Parkway Center, Pittsburgh, PA 15220.

The Administrative Record for this request is available for review at both the address above and OSM's Columbus Office, Eastland Professional Plaza, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232 during normal business hours, Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Peter Michael, Office of Surface Mining Reclamation and Enforcement, Appalachian Regional Coordinating Center, Room 218, Three Parkway Center, Pittsburgh, PA 15220. Telephone: (412) 937–2867.

SUPPLEMENTARY INFORMATION:

I. Background on VER Requirements for National Forest Lands

Section 522(e) of SMCRA (30 U.S.C. 1272(e)) prohibits surface coal mining operations on certain lands unless a person has VER to conduct such operations or unless the operation was in existence on August 3, 1977. Section 522(e)(2) applies the prohibition to Federal lands within the boundaries of any national forest unless the Secretary of the Interior finds that there are no significant recreational, timber, economic, or other values that may be incompatible with surface coal mining operations and the surface operations

and impacts are incident to an underground coal mine.

Under section 523 of the Act and 30 CFR 740.11, the approved State program (including the State definition of VER) applies to all Federal lands within States with approved regulatory programs. However, under 30 CFR 745.13, the Secretary has exclusive authority to determine VER for surface coal mining and reclamation operations on Federal lands within the boundaries of the areas specified in paragraphs (e)(1) and (e)(2) of section 522 of the Act. OSM reaffirmed these basic principles in the preamble to the suspension notice concerning VER published on November 20, 1986 (51 FR 41954) with the caveat that, in States with an all-permits standard for VER, OSM would apply the standard as if it contained a good-faith component.

Ohio represents a special case in that OSM is not restricted to use of the State program definition of VER. In situations in which application of the State definition would result in a denial of permission to conduct surface coal mining operations, OSM may rely on a takings standard, in accordance with *Belville Mining Co.* v. *Lujan*, No. C–1–89–790 (S.D. Ohio 1991), *Mot. for recons. granted*, Sept. 18, 1992. In other words, OSM may find that a person has VER if application of the prohibitions of section 522(e) of the Act would result in a compensable taking under the Fifth and Fourteenth Amendments to the U.S. Constitution.

II. Request for VER Determination

By letter dated August 14, 1995, James F. Graham of Buckingham Coal Company, Inc. requested that OSM determine whether he has VER to remove the No. 6 coal seam, using block cut, contour, and area mining methods, from 25.2 acres located within the Wayne National Forest in Perry County, Ohio. The requester alleges that he is the lessee of all coal underlying this tract. The United States of America purchased the surface rights from Daniel C. Jenkins, Jr. and other interested parties on April 24, 1967, and from Edward G. Blaire on May 1, 1967. The land is currently managed by the U.S. Department of Agriculture as part of the Wayne National Forest.

The property extends from north to south along an ephemeral tributary of Pine Run and is about 1.8 miles northeast of the city of Shawnee, Ohio. Its southern limit is adjacent to County Route 43. The center of the property lies on the boundary between Sections 11 and 14 on the New Straightsville, Ohio USGS Quadrangle. Its southern limit is adjacent to County Route 43.

OSM invites interested persons to provide factual information as to whether the requester has the property right to mine by the proposed methods. OSM also solicits comment on whether the request meets the VER criteria of the approved Ohio program, as defined in OAC 1501:13–1–02 of the Ohio Administrative Code; or whether application of the prohibitions in section 522(e)(2) of SMCRA or OAC 1501:13–3–03 of the Ohio Administrative Code would constitute a compensable taking of property under the Fifth and Fourteenth Amendments to the U.S. Constitution.

If OSM determines that the requester has VER, he may apply for a permit from the Ohio Department of Natural Resources, which, if granted, would authorize surface coal mining operations on the property in question. If OSM determines that the requester does not have VER, no permits may be issued for surface coal mining operations. However, the lack of VER would not prohibit issuance of a permit for underground coal mining operations, provided the Secretary determines that such operations are compatible with the recreational, timber, economic, and other values associated with this property.

Dated: February 7, 1996.

Ron Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 96–4799 Filed 2–29–96; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Bureau of Justice Assistance

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

Office of Management and Budget (OMB) approval is being sought for the information collection listed below. This proposed information collection was previously published in the Federal Register and allowed 60 days for public comment.

The purpose of this notice is to allow an additional 30 days for public comments from the date listed at the top of this page in the Federal Register. This process is conducted in accordance with 5 Code of Federal Regulation, § 1320.10. Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department of Justice (DOJ), Justice Management Division, Information Management and Security Staff, Attention: Department Clearance Officer, Suite 850, 1001 G Street NW., Washington, DC 20530. Additionally, comments may be submitted to DOJ via facsimile to 202–514–1534.

Written comments and suggestions from the public and affected agencies should address one or more of the following points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) enhance the quality, utility, and clarity of the information to be collected; and

(4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

The proposed collection is listed below:

(1) Type of information collection. Revision of a currently approved collection.

(2) The title of the form/collection. Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: None. Office of Justice Assistance, Office of Justice Programs, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. Primary: State, Local or Tribal Governments. Other: None.

This collection contains the ''Program Guidance and Application Kit'' the states will use to apply for grants under the Edward Byrne Memorial State and

Local Law Enforcement Assistance Program.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond. 56 respondents: Items (a–d) at 10 minutes per response, item (e) at 60 hours per response, item (f) at 30 minutes per response, and item (g) 10 minutes per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 26,829 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: February 26, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–4725 Filed 2–29–96; 8:45 am]

BILLING CODE 4410–18–M

Immigration and Naturalization Service

[INS No. 1746–96; AG Order No. 2011–96]

RIN 1115–AE26

Extension of Designation of Liberia Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until March 28, 1997, the Attorney General's designation of Liberia under the Temporary Protected Status (TPS) program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on March 27, 1992. In addition, some Liberians may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATES: This extension of designation is effective on March 29, 1996, and will remain in effect until March 28, 1997. The primary re-registration procedures become effective on March 1, 1996, and will remain in effect until April 1, 1996.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101–649 and section 304(b) of Public Law 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on March 27, 1991, the Attorney General designated Liberia for Temporary Protected Status for a period of 12 months, 56 FR 12746. The Attorney General extended the designation of Liberia under the TPS program for additional 12-month periods until March 28, 1996, 60 FR 16163.

This notice extends the designation of Liberia under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures which eligible aliens who are nationals of Liberia, or who have no nationality and who last habitually resided in Liberia, must comply with in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Liberia's TPS designation, late initial registrations are possible for some Liberians under 8 CFR 240.2(f)(2). Such late initial registrants must have been ''continuously physically present'' in the United States since March 27, 1991, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status.

An Application for Employment Authorization, Form I–765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or unless the applicant does not request employment authorization. The Immigration and Naturalization Service requires TPS registrants to submit Form I–765 for data-gathering purposes.

Notice of Extension of Designation of Liberia Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under sections 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Liberia; and (b) whether permitting nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Liberia continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Liberia under section 244A(b) of the Act is extended for an additional 12-month period from March 29, 1996, to March 28, 1997.

(2) I estimate that there are approximately 4000 nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who received a grant of TPS during the initial period of designation from March 27, 1991, to March 27, 1992, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Liberia, or an alien having no nationality who last habitually resided in Liberia, who previously has been granted TPS, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on March 1, 1996, and ending on April 1, 1996, in order to be eligible for Temporary Protected Status during the period from March 29, 1996, until March 28, 1997. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for Form I–765, filed by an alien requesting employment

authorization pursaunt to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before March 28, 1997, the designation of Liberia under the TPS program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the Federal Register.

(7) Information concerning the TPS program for nationals of Liberia, and aliens having no nationality who last habitually resided in Liberia, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: February 26, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96–4924 Filed 2–29–96; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wage 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.

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

None

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

None

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 county.

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, D.C. 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, D.C., this 23rd day of February 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–4539 Filed 2–29–96; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before April 15, 1996. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, College Park, MD 20740. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin; the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Defense Contract Audit Agency (N1–372–96–1). Records of a general nature pertaining to Internal Management Control.

2. Department of Defense Inspector General (N1–509–93–3). Routine records relating to preliminary aspects of the ''Tailhook'' investigation and to persons who were cleared of wrong-doing. (Substantive records, such as the DOD IG review of the Naval Investigative Service investigation, policy and procedural records, subpoenas, evidence and exhibits, individual jackets and related records, background files, and final report, are all proposed as permanent.)

3. Department of Energy (N1–434–96–3). Administrative records relating to the clearance and vetting of persons appointed to non-career positions. Required documentation will be maintained in the employee's Official Personnel File.

4. Department of Energy (N1–434–96–4). Film badges that measure radiation exposure of employees. Records will be retained for 75 years.

5. Department of Interior, Bureau of Land Management (N1–49–94–1). Routine administrative records for and records migrated to a new electronic system.

6. National Telecommunications and Information Administration (N1–417–96–1). Records of the Interdepartmental Radio Advisory Committee.

7. Office of Thrift Supervision (N1–483–93–22). Databases used to assemble and edit data as prescribed by the Home Mortgage Disclosure Act.

8. U.S. Atlantic Command (N1–528–96–1). Medical treatment records of Cuban Refugees at U.S. Naval Base Guantanamo Bay, Cuba, during calendar year 1995. Records will be retained for 10 years.

Dated: February 12, 1996.

James W. Moore,

Assistant Archivist for Records Administration.

[FR Doc. 96–4813 Filed 2–29–96; 8:45 am]

BILLING CODE 7515–01–M

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee (I172).

Date and Time: Friday, March 22, 1996; 8:30 a.m.–3:00 p.m.

Place: Room 370, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/306–1096.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards.

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

M. Rebecca Winkler

Committee Management Officer

[FR Doc. 96–4764 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Bioengineering and Environmental Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Bioengineering and Environmental Systems (No. 1189).

Date and Time: March 13–14, 1996; 8:30 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1295, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Gilbert B. Devey, Program Director, Biomedical Engineering and Research to Aid Persons with Disabilities, Division of Bioengineering and Environmental Systems, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1318.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4762 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Computer and Information Science and Engineering; Committee of Visitors; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Computer and Information Science and Engineering; Committee of Visitors, NSFNET Program (1115).

Date and Time: March 19–20, 1996; 8:30 a.m. to 5 p.m. each day.

Place: Room 1120, National Science Foundation, 4201 Wilson Blvd, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Mr. David A. Staudt, Division of NCRI, National Science Foundation, Rm. 1175, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1949.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including examination of decisions on proposals, reviewer comments, and other privileged materials.

Agenda: To provide oversight review of the NSFNET Program.

Reason for Closing: The meeting is closed to the public because the Committee is reviewing proposal actions that will include privileged intellectual property and personal information that could harm individuals if they are disclosed. If discussions were open to the public, these matters that are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act would be improperly disclosed.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4761 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Elementary, Secondary and Informal Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name and Committee Code: Special Emphasis Panel in Elementary, Secondary and Informal Education (#59).

Date and Time: March 21–22, 1996.

Place: Room 340 National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Janice Earle, Program Director, Division of Elementary, Secondary and Informal Education, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1614.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: To proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

Rebecca M. Winkler,

Committee Management Officer.

[FR Doc. 96–4759 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Advisory Committee for Geosciences (1755); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Geosciences (#1755).

Dates: March 18–19, 1996.

Time: 8:30 am.–5:00 p.m.

Place: Room 1235, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Type of Meeting: Open.

Contact Person: Dr. Thomas J. Baerwald, Deputy Assistant Director for Geosciences, Suite 705, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230, 703–306–1502.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

Agenda: GEO budgetary and operational updates, GEO long-range planning; The role of centers in geoscience research and education, Geoscience education, NSF-wide initiatives related to the integration of research and education, NSF-wide operational and management activities, Issues referred to AC/GEO by subcommittees, Continuation of items from previous meeting.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4760 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Geosciences (1756).

Date and Time: March 19, 1996; 8 a.m–5 p.m.

Place: Room #730, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Michael Mayhew, Program Director, Education and Human Resources Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1557.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Postdoctoral Fellowship Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4757 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (DMR).

Date and Time: March 21, 1996, 8:00 pm–5:00 pm.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 1020, Arlington, VA 22230.

Type of Meetings: Closed.

Contact Person: Dr. Bruce A. MacDonald, Program Director, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Blvd, Arlington, VA, 22230, Telephone (703) 306–1835.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Faculty Early Career Development (CAREER) Program.

Reason for Closing: The proposals being reviewed may include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposal. These matters are exempt under 5 U.S.C. 552 b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4763 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (#1208).

Date: March 20–22, 1996.

Place: Massachusetts Institute of Technology, Room 37–252, The Marlar Lounge, 70 Vassar Street, Cambridge, Massachusetts.

Type of Meeting: closed.

Contact Person: Dr. David Berley, Program Manager, Laser Interferometer Gravitational Observatory, Physics Division, Room 1015, National Science Foundation, 4201 Arlington Blvd., Arlington, VA 22230. Telephone: (703) 306–1892.

Purpose of Meeting: To review the MIT subactivity of the LIGO project including the Research and Development, the Detector Fabrication, and the Facilities Support. Evaluate the past activities and assess the proposed program through the end of the LIGO construction period (1999) with the view toward the long term operations.

Agenda: To review the MIT subactivity of the LIGO project, the past activities and the proposed program.

Reason for Closing: The Project plans being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: February 26, 1996.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 96–4758 Filed 2–29–96; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[IA 96–009]

Bolton, Eugene; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Eugene Bolton (Mr. Bolton) was employed as a Senior Nuclear Production Technician at the New York Power Authority (NYPA) (Licensee). Licensee is the holder of License No. DPR–64 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 50. The license authorizes the operation of Indian Point 3 (facility) in accordance with the conditions specified therein. The facility is located on the Licensee's site in Buchanan, New York.

II

On March 10, 1993, the NRC, Region I, received information from NYPA that Mr. Bolton had attempted to substitute a ''cold'' [surrogate] urine sample during random Fitness-for-Duty (FFD) testing required by NRC regulations, that a subsequent witnessed sample provided by Mr. Bolton had tested positive for marijuana, that Mr. Bolton had been referred to the Employee Assistance Program, and his authorization for access to the Indian Point 3 facility had been suspended. In response to this information, NRC initiated an investigation by the Office of Investigations (OI) of this matter. The investigation established that:

1. When called for a FFD test on March 9, 1993, Mr. Bolton knowingly submitted a surrogate urine sample which he had collected on a previous date and maintained for that purpose.

2. Mr. Bolton admitted that he provided surrogate urine samples in the past when selected for FFD testing in order to avoid detection of the presence of illegal substances.

On October 6, 1995, a Demand for Information (DFI) was issued to Mr. Bolton based on the findings of the OI investigation. The DFI indicated that Mr. Bolton had engaged in deliberate misconduct in violation of 10 CFR 50.5(a)(2), in that he provided to the facility licensee information which he knew to be inaccurate in some respect material to the NRC. Mr. Bolton's actions also constituted a violation of 10 CFR 50.5(a)(1) in that he deliberately provided a urine sample that he knew to be inaccurate and which, but for detection, would have caused the Licensee to be in violation of 10 CFR 50.9, ''Completeness and accuracy of information.''

The DFI requested that Mr. Bolton provide a response, within 30 days from the date of the DFI, that would: (A) Identify whether he currently is employed by any company subject to NRC regulation, and if so, describe in what capacity; and (B) Describe why the NRC should have confidence that Mr. Bolton will meet NRC requirements to provide complete and accurate information to the NRC and its licensees in the future.

The DFI further stated that, if Mr. Bolton did not respond as specified, the NRC would proceed on the basis of available information and could take other actions as necessary to ensure compliance with regulatory requirements. Although a response to the DFI was due on November 6, 1995, as of the date of this Order, Mr. Bolton has not responded.

III

Based on the above, it appears that Mr. Bolton, an employee of the Licensee at the time of the incident, engaged in deliberate misconduct in violation of 10 CFR 50.5(a)(2), in that he submitted to the Licensee information which he knew to be inaccurate in some respect material to the NRC, and 10 CFR 50.5(a)(1), in that he deliberately provided a urine sample that he knew to be inaccurate and which, but for detection, would have caused the facility licensee to be in violation of 10 CFR 50.9.

The NRC must be able to rely on its Licensees and their employees to comply with NRC requirements, including the requirement to provide information and maintain records that

are complete and accurate in all material respects. Mr. Bolton's actions in using illegal drugs and attempting to circumvent FFD requirements have raised serious doubt as to whether he can be relied upon to comply with NRC requirements and to provide complete and accurate information to the NRC and its Licensees. Although a DFI was issued on October 6, 1995, which provided Mr. Bolton an opportunity to describe why the NRC should have confidence that he will meet NRC requirements to provide complete and accurate information to the NRC and its Licensees in the future, Mr. Bolton has not responded to the DFI.

Consequently, I lack the requisite reasonable assurance that: (1) Mr. Bolton will conduct any NRC-licensed activities in compliance with the Commission's requirements; and (2) that the health and safety of the public will be protected with Mr. Bolton granted unescorted access to NRC-licensed facilities at this time. Therefore, I find that the public health, safety, and interest require that Mr. Bolton be prohibited from seeking unescorted access to NRC-licensed facilities for five years from the date of his termination of unescorted access by NYPA on March 9, 1993. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of the misconduct described above is such that the public health, safety, and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 103, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR 50.5, it is hereby ordered, effective immediately, that:

Mr. Bolton is prohibited for five years from the date of his termination of unescorted access by NYPA on March 9, 1993, from seeking unescorted access to facilities licensed by the NRC.

The Director, OE, may, in writing, relax or rescind any of the above conditions upon demonstration by Mr. Bolton of good cause.

V

In accordance with 10 CFR 2.202, Mr. Bolton must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Mr. Bolton or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Service Section, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region I, 475 Allendale Road, King of Prussia, Pennsylvania 19406, and to Mr. Bolton if the answer or hearing request is by a person other than Mr. Bolton. If a person other than Mr. Bolton requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Mr. Bolton or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Mr. Bolton, or any other person adversely affected by this Order, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated: February 23, 1996.

For the Nuclear Regulatory Commission.

James L. Milhoan,

Deputy Executive Director for Nuclear Reactor Regulation, Regional Operations, and Research.

[FR Doc. 96–4790 Filed 2–29–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Agricultural Policy Advisory Committee for Trade and Agricultural Technical Advisory Committees for Trade Meetings

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Agricultural Policy Advisory Committee for Trade (APAC) and the Agricultural Technical Advisory Committees for Trade (ATACs) will hold meetings during the period of March 1, 1996–June 30, 1996. The meetings will include a review and discussion of current issues which influence U.S. agricultural trade policy that include, but are not limited to, issues concerning GATT accession negotiations with various countries; U.S./Mexico bilateral agricultural trade issues; U.S./Canada bilateral agricultural trade issues; Chile NAFTA accession negotiations; international sanitary and phytosanitary barriers to trade; and WTO Uruguay Round Agreement implementation issues.

Pursuant to section 2155(f)(2) of title 19 of the United States Code, the U.S. Trade Representative has determined that these meetings will be concerned solely with matters the matters of disclosure of which would seriously compromise the development by the United States Government of trade policy priorities, negotiating objectives, bargaining positions. Accordingly, these meetings will be closed to the public.

ADDRESSES: The meetings will be held at the U.S. Department Agriculture, 14th and Independence Avenue, SW, Washington, D.C. 20250 unless an alternate site is necessary.

FOR FURTHER INFORMATION CONTACT: Clayton Parker, Director of Intergovernmental Affairs, Office of the United States Representative at (202) 395–6120 or John B. Winski, Joint Executive Secretary, Agricultural Policy Advisory Committee for Trade, Foreign Agricultural Services, U.S. Department of Agriculture, at (202) 720–6829.

Michael Kantor,

United States Trade Representative.

[FR Doc. 96–4776 Filed 2–29–96; 8:45 am]

BILLING CODE 3190–01–M

OFFICE OF PERSONNEL MANAGEMENT

Notice of Intention to Request Reclearance of Information Collection Forms SF 2802, SF 2802B and RI 36–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management intends to submit to the Office of Management and Budget a request for reclearance of the following information collections. SF 2802, Application for Refund of Retirement Deductions (CSRS), SF 2802B, Current/Former Spouse's Notification of Application for Refund of Retirement Deductions, and RI 36–7, Marital Information Required of Refund Applicants. OPM must have the SF 2802 completely filled out and signed before paying a refund of retirement contributions. SF 2802B must also be completed if there are spouse(s) or former spouse(s) who must be notified of the employee's intent to take a refund. RI 36–7 is needed when the SF 2802 is incomplete as to the applicant's marital status.

Approximately 35,000 SF 2802 forms are completed annually. Each form takes approximately 45 minutes to complete. The annual estimated burden is 26,250 hours. Approximately 31,500 SF 2802B forms are completed annually. Each form takes approximately 15 minutes to complete. The annual estimated burden is 7,875 hours. Approximately 21,050 RI 36–7 forms are completed annually. Each form takes approximately 10 minutes to complete. The annual estimated burden is 3,508 hours. The combined total annual burden is 37,633 hours.

For copies of this proposal, contact Jim Farron on (202) 418–3208, or e-mail to jmfarron@mail.opm.gov

DATES: Comments on this proposal should be received on or before April 30, 1996.

ADDRESSES: Send or deliver comments to Lorraine E. Dettman, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION, CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–9583 Filed 2–29–96; 8:45 am]

BILLING CODE 6325–01–M

Federal Salary Council; Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the forty-eighth meeting of the Federal Salary Council will be held at the time and place shown below. At the meeting the Council will continue discussing issues relating to locality-based comparability payments authorized by the Federal Employees Pay Comparability Act of 1990 (FEPCA). The meeting is open to the public.

DATES: March 14, 1996, at 1:00 p.m.

ADDRESSES: Office of Personnel Management, 1900 E Street NW., Room 7B09, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth O'Donnell, Chief, Salary Systems Division, Office of Personnel Management, 1900 E Street NW., Room 6H31, Washington, DC 20415–0001, (202) 606–2838.

For the President's Pay Agent.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–4582 Filed 2–29–96; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 21774; 811–2534]

Eaton Vance Cash Management Fund; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Cash Management Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 8, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On October 16, 1974, applicant registered under the Act, and on the same date filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on January 27, 1975, and applicant's initial public offering commenced soon thereafter. Applicant is a feeder fund in a master-feeder structure and therefore has no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization whereby applicant would transfer all of its assets and liabilities to a corresponding new series of Eaton Vance Government Obligations Trust (now named Eaton Vance Mutual Funds Trust) (the ''Trust''). The new series is Eaton Vance Cash Management Fund (the ''Successor Fund'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's board of directors determined that such reorganization would be in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of

approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On August 31, 1995, applicant transferred all of the assets and liabilities to the Successor Fund. Shareholders in applicant received shares of beneficial interest of the Successor Fund equal in value to their shares in the applicant in complete liquidation and dissolution of applicant. Specifically, in exchange for $128,833,538 of assets transferred to the Successor Fund, applicant issued 128,833,538 shares of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. The applicant and the Successor Fund each assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4738 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 178; 811–5453]

Eaton Vance Equity-Income Trust; Notice of Application

February 3, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Equity-Income Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 8, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, D.C. 0549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On August 11, 1987, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on October 20, 1987, and applicant's initial public offering commenced soon thereafter. Applicant is a feeder fund in a master-feeder structure and therefore has no investment adviser.

2. On August 7, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization whereby applicant would transfer all of its assets and liabilities to EV Marathon Total Return Fund (the ''Fund'') a series of Eaton Vance Special Investment Trust (the ''Trust'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On November 3, 1995, applicant transferred all of its assets and liabilities to the Fund. Shareholders in the applicant received shares of beneficial interest of the Fund equal in value to their shares in applicant in complete liquidation and dissolution of applicant. Specifically, in exchange for $23,814,445 of assets transferred to the Fund applicant issued 2,027,296 shares of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. Applicant assumed all expenses in connection with the reorganization. Such expenses were approximately $30,644 and included, but were not limited to legal fees and registration fees.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4731 Filed 2–9–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21777; 811–6157]

Eaton Vance Investment Fund, Inc.; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Investment Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

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the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

FILING DATE: The application was filed on February 8, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, D.C. 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Maryland business corporation. On August 22, 1990, applicant registered under the Act, and on August 23, 1990 filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on November 20, 1990, and applicant's initial public offering commenced soon thereafter. Applicant consists of two series, EV Classic Strategic Income Fund (''Classic Strategic'') and EV Marathon Strategic Income Fund (''Marathon Strategic'') (collectively the ''Funds''). Applicant's series are feeder funds in a master-feeder structure and therefore have no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization whereby applicant would transfer all of the assets and liabilities of Classic Strategic and Marathon Strategic to a corresponding new series of Eaton Vance Government Obligations Trust (now named Eaton Vance Mutual Funds Trust) (the ''Trust''). These new series are EV Classic Strategic Income Fund and EV Marathon Strategic Fund (together, the ''Successor Funds'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's board of directors determined that such reorganizations would be in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1]

4. Applicant filed its preliminary proxy materials on Form N–14 with the SEC on June 29, 1995 and filed definitive copies of its proxy materials on July 18, 1995. EV Marathon Strategic Income Fund's shareholders approved the Plan at a meeting held on August 31, 1995, and the sole shareholder of EV Classic Strategic Income Fund approved its Plan.

5. On October 31, 1995, applicant transferred all of its assets and liabilities of the Funds to their corresponding Successor Funds. Shareholders in the Funds received shares of beneficial interest of each Successor Fund equal in value to their shares in a Fund in complete liquidation and dissolution of applicant. Specifically, in exchange for $11,407 and $150,878,362, respectively of assets transferred to New Classic Strategic and New Marathon Strategic, the Trust, on behalf of each Successor Fund, issued 1,006 and 17,756,597 shares. No brokerage commissions were paid as a result of the exchange.

6. Each Fund and each Successor Fund assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to legal fees, registration fees and printing expenses.

7. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4736 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a-8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[Investment Company Act Release No. 21780; 811–8]

Eaton Vance Investors Trust; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Investors Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 08, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, D.C. 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On June 24, 1946, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on July 26, 1946, and applicant's initial public offering commenced soon thereafter. Applicant consists of three series, EV Classic Investors Fund (''Classic Investors''), EV

Marathon Investors Fund (''Marathon Investors'') and EV Traditional Investors Fund (''Traditional Investors'') (collectively the ''Funds''). Applicant's series are feeder funds in a master-feeder structure and therefore have no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization for each Fund whereby applicant would transfer all of the assets and liabilities of Classic Investors, Marathon Investors and Traditional Investors to a corresponding new series of Eaton Vance Special Investment Trust (the ''Trust''). These new series are EV Classic Investors Fund, EV Marathon Investors Fund and EV Traditional Investors Fund (together, the ''Successor Funds'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On July 31, 1995, applicant transferred all of the assets and liabilities of the Funds to their corresponding Successor Funds. Shareholders in the Funds received shares of beneficial interest of each Successor Fund equal in value to their shares in the appropriate Fund in complete liquidation and dissolution of applicant. Specifically, in exchange for $5,277,910, $22,828,748 and $222,844,596, respectively of assets transferred to new Classic Total Return, New Marathon Total Return and New Traditional Total Return, the Trust, on behalf of each Successor Fund, issued 479,374, 2,072,701 and 28,231,149 shares, respectively, of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. Each Fund and each Successor Fund assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to, legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4733 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[Investment Company Act Release No. 21781; 811–5176]

Eaton Vance Liquid Asset Trust; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Liquid Assets Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 08, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On May 20, 1987, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on May 28, 1987, and applicant's initial public offering commenced soon thereafter. Applicant consists of two series, Eaton Vance Liquid Assets Fund (''Liquid Assets'') and Eaton Vance Money Market Fund (''Money Market Fund'') (collectively the ''Funds''). Applicant's series are feeder funds in a master-feeder structure and therefore have no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization for each Fund whereby applicant would transfer all of the assets and liabilities of Liquid Assets and Money Market Fund to a corresponding new series of Eaton Vance Government Obligations Trust (now named Eaton Vance Mutual Funds Trust) (the ''Trust''). These new series are Eaton Vance Liquid Assets Fund and Eaton Vance Money Market Fund (together, the ''Successor Funds'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On August 31, 1995, applicant transferred all of the assets and liabilities of the Funds to their corresponding Successor Funds. Shareholders in the Funds received shares of beneficial interest of each Successor Fund equal in value to their shares in the appropriate Fund in complete liquidation and dissolution of applicant. Specifically, in exchange for $40,734,914 and $11,991,558, respectively of assets transferred to New

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

Liquid Assets and New Money Market Fund, the Trust, on behalf of each Successor Fund, issued 40,734,914 and 11,991,558 shares, respectively, of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. Each Fund and each Successor Fund assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to legal fees and registration fees.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4732 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21776; 811–161]

Eaton Vance Securities Trust

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Securities Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that is has ceased to be an investment company.

FILING DATE: The application was filed on February 8, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW., Washington, D.C. 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On July 12, 1941, applicant registered under the Act, and on January 31, 1955 filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on February 15, 1955, and applicant's initial public offering commenced soon thereafter. Applicant consists of three series, EV Classic Stock Fund (''Classic Stock''), EV Marathon Stock Fund (''Marathon Stock'') and EV Traditional Stock Fund (''Traditional Stock'') (collectively the ''Funds''). Applicant's series are feeder funds in a master-feeder structure and therefore have no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization for each fund whereby applicant would transfer all of the assets and liabilities of Classic Stock, Marathon Stock and Traditional Stock to a corresponding new series of Eaton Vance Special Investment Trust (the ''Trust''). These new series are EV Classic Stock Fund, EV Marathon Stock Fund and EV Traditional Stock Fund (together, the ''Successor Funds'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's board of directors determined that such reorganizations would be in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On July 31, 1995, applicant transferred all of the assets and liabilities of the Funds to their corresponding Successor Funds. Shareholders in the Funds received shares of beneficial interest of each Successor Fund equal in value to their shares in a Fund in complete liquidation and dissolution of applicant. Specifically, in exchange for $860,560, $4,029,963 and $95,421,833, respectively of assets transferred to New Classic Stock, New Marathon Stock and New Traditional Stock, the Trust, on behalf of each Successor Fund, issued 73,138, 350,279 and 7,296,249 shares. No brokerage commissions were paid as a result of the exchange.

5. Each Fund and each Successor Fund assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4737 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[Investment Company Act Release No. 21775; 811–3226]

Eaton Vance Tax Free Reserves; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Tax Free Reserves.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 08, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On July 15, 1981, applicant registered under the Act, and on the same date filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on November 24, 1982, and applicant's initial public offering commenced soon thereafter.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization whereby applicant would transfer all of its assets and liabilities to a corresponding new series of Eaton Vance Government Obligations Trust (now named Eaton Vance Mutual Funds Trust) (the ''Trust''). The new series is Eaton Vance Tax Free Reserves (the ''Successor Fund'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's board of directors determined that such reorganization would be in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust or by applicable law.

4. On August 31, 1995, applicant transferred all of the assets and liabilities to the Successor Fund. Shareholders in the applicant received shares of beneficial interest of the Successor Fund equal in value to their shares in the applicant in complete liquidation and dissolution of applicant. Specifically, in exchange for $52,556,898 of assets transferred to the Successor Fund, applicant issued 52,556,898 shares of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. The applicant and the Successor Fund each assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96– 4739 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common offices. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[Investment Company Act Release No. 21779; 811–3283]

Eaton Vance Total Return Trust; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Eaton Vance Total Return Trust.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 08, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 an should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, N.W., Washington, D.C. 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On October 9, 1981, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on November 13, 1981, and applicant's initial public offering commenced soon thereafter. Applicant consists of three series, EV Classic Total Return Fund (''Classic Total Return''), EV Marathon Investors Fund (''Marathon Total Return'') and EV Traditional Total Return Fund (''Traditional Total Return'') (collectively the ''Funds''). Applicant's series are feeder funds in a master-feeder structure and therefore have no investment adviser.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization for each Fund whereby applicant would transfer all of the assets and liabilities of Classic Total Return, Marathon Total Return and Traditional Total Return to a corresponding new series of Eaton Vance Special Investment Trust (the ''Trust''). These new series are EV Classic Total Return Fund, EV Marathon Total Return Fund and EV Traditional

Total Return Fund (together, the ''Successor Funds'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1] No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

4. On July 31, 1995, applicant transferred all of the assets and liabilities of the Funds to their corresponding Successor Funds. Shareholders in the Funds received shares of beneficial interest of each Successor Fund equal in value to their shares in the appropriate Fund in complete liquidation and dissolution of applicant. Specifically, in exchange for $5,443,056, $29,878,953 and $438,492,388, respectively of assets transferred to New Classic Total Return, New Marathon Total Return and New Traditional Total Return, the Trust, on behalf of each Successor Fund, issued 595,351, 3,299,729 and 52,639,765 shares, respectively, of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. Each Fund and each Successor Fund assumed its own expenses in connection with the reorganization. Such expenses included, but were not limited to, legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4734 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[Investment Company Act Release No. 21778; 811–5272]

EV Marathon Gold & Natural Resources Fund; Notice of Application

February 23, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: EV Marathon Gold & Natural Resources Fund.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on February 8, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 19, 1996 and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, c/o Eric G. Woodbury, Esq., 24 Federal Street, Boston, MA 02110.

FOR FURTHER INFORMATION CONTACT: Robert Robertson, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end management investment company organized as a Massachusetts business trust. On August 7, 1987, applicant registered under the Act, and filed a registration statement pursuant to section 8(b) of the Act and the Securities Act of 1933. The registration statement became effective on October 20, 1987, and applicant's initial public offering commenced soon thereafter.

2. On June 19, 1995, applicant's board of trustees approved an Agreement and Plan of Reorganization whereby applicant would transfer all of its assets and liabilities to a corresponding new series of Eaton Vance Growth Trust (the ''Trust''). The new series is EV Marathon Gold and Natural Resources Fund (the ''Successor Fund'').

3. Pursuant to rule 17a–8, which governs mergers of certain affiliated investment companies, applicant's trustees determined that the reorganization was in the best interests of applicant and the interests of applicant's existing shareholders would not be diluted.[1]

4. Applicant filed its preliminary proxy materials on Form N–14 with the SEC on June 28, 1995 and filed definitive copies of its proxy materials on July 18, 1995. Applicant's shareholders approved the Plan at a meeting held on August 30, 1995. No shareholder approval was required by the Declaration of Trust of applicant or the Trust, or by applicable law.

5. On August 31, 1995, applicant transferred all of its assets and liabilities to the Successor Fund. Shareholders in the applicant received shares of beneficial interest of the Successor Fund equal in value to their shares in applicant in complete liquidation and dissolution of applicant. Specifically, in exchange for $15,246,776 of assets transferred to the Fund applicant issued 928,590 shares of beneficial interest. No brokerage commissions were paid as a result of the exchange.

5. Applicant assumed all expenses in connection with the reorganization. Such expenses were included, but were not limited to legal fees, registration fees and printing expenses.

6. At the time of the filing of the application, applicant had no assets or liabilities and was not a party to any litigation or administrative proceeding and had no shareholders. Applicant is neither engaged, nor does it propose to engage, in any business activities other than those necessary for the winding-up of its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4735 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[1] Although purchases and sales between affiliated persons generally are prohibited by Section 17(a) of the Act, rule 17a–8 provides an exemption for certain purchases and sales among investment companies that are affiliated persons of one another solely by reason of having a common investment adviser, common trustees, and/or common officers. Applicant and the Trust may be deemed to be affiliated persons of each other by reason of having common trustees and officers, and therefore may rely on the rule.

[Release No. 35–26476]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

February 23, 1996.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transactions summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 18, 1996, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

American Electric Power Company, Inc., et al. (70–8779)

American Electric Power Company, Inc. (''AEP''), a registered holding company, its service company subsidiary, American Electric Power Service Corporation (''AEPSC''), both of 1 Riverside Plaza, Columbus, Ohio 43215, and all of AEP's public-utility company subsidiaries (''Operating Companies''),[1] have filed an application-declaration under sections 6(a), 7, 9(a), 12(b) and 13(b) of the Act and rules 45 and 52 thereunder.

AEP proposes from time to time through December 31, 2000, to form one or more direct or indirect new subsidiaries (''New Subsidiaries'') to engage in the business of brokering and marketing energy commodities, which are defined to include natural and manufactured gas, electric power, emission allowances, coal, oil, refined petroleum and petroleum products and natural gas liquids (''Energy Commodities''). The New Subsidiaries will receive a commission for their brokering activities, which will include arranging the sale and purchase, transportation, transmission and storage of Energy Commodities. Their proposed marketing activities encompass entering into contracts to sell, purchase, exchange, pool, transport, transmit, distribute, store and otherwise deal in Energy Commodities. The New Subsidiaries may from time to time have an inventory of Energy Commodities; however, they will not own or operate facilities used for the production, generation, processing, storage, transmission, transportation, or distribution of Energy Commodities. The applicants assert that no New Subsidiary will be a public utility company under the Act.

The New Subsidiaries propose to broker and market Energy Commodities to wholesale customers and, where permitted by law, to retail customers. In order to manage risks associated with brokering and marketing Energy Commodities, the New Subsidiaries may enter into futures, forwards, swaps and options contracts relating to Energy Commodities (''Arbitrage Transaction''). No Arbitrage Transaction will be entered into for speculation.

The applicants propose that a New Subsidiary initially issue and sell up to 100 shares of common stock for approximately $100 to AEP or a subsidiary of AEP. Subsequently, American intends to acquire additional shares of stock or make capital contributions to the New Subsidiaries in an amount that, when aggregated with the initial capitalization of the New Subsidiaries, will not exceed $100 million.

AEP also proposes from time to time through December 31, 2000, to guarantee the debt and other obligations of the New Subsidiaries. The maximum amount of debt and other obligations that AEP proposes to guarantee is $50 million and $200 million, respectively. Debt financing of the New Subsidiaries that is guaranteed by AEP will not (i) exceed a term of 15 years or (ii)(a) bear a rate equivalent to a floating interest rate in excess of 2.0% over the prime rate, London Interbank Offered Rate or other appropriate index in effect from time to time or (b) bear a fixed rate in excess of 2.5% above the yield at the time of issuance of United States Treasury obligations of a comparable maturity. Any commitment and other fees on the debt will not exceed 50 basis points per annum on the total amount of debt financing.

AEP may guarantee other obligations where needed for the New Subsidiaries to demonstrate that they have support for their contractual obligations. Other obligations that AEP may guarantee, excluding debt, may take the form of bid bonds or performance or other direct or indirect guarantees of contractual or other obligations.

The New Subsidiaries propose to enter into service agreements with AEPSC and the Operating Companies, under which personnel and other resources, if available, of AEPSC and the Operating Companies may be used to support the New Subsidiaries' activities. Any service agreements will require that AEPSC and the Operating Companies provide, account for and bill their services, utilizing a work order system, on a full cost reimbursement in accordance with rules 90 and 91. All direct charges and prorated shares of other related service costs will be reimbursed.

Any service agreements also will provide that AEPSC and the Operating Companies make warranties of due care and compliance with applicable laws to the New Subsidiaries with respect to the performance of the servicesrequested, but failure to meet these obligations will not subject them to any claim or liability, other than to reperform the work at cost. Furthermore, AEPSC and the Operating Companies will be indemnified by the New Subsidiaries against liabilities to or claims of third parties arising out of the performance of work on behalf of the New Subsidiaries.

Initially, the New Subsidiaries are not expected to have employees and will use the personnel and resources of AEPSC and the Operating Companies to broker and market Energy Commodities. No more than 1% of the employees of the Operating Companies will render, directly or indirectly, services to the New Subsidiaries at any one time.

New England Electric System, et al. (70–8733)

New England Electric System (NEES), a registered holding company, and its nonutility subsidiary company, New England Electric Resources, Inc. (''NEERI'') (together, ''Applicants''), both located at 25 Research Drive,

[1] Appalachian Power Company, 40 Franklin Rd., Roanoke, Virginia, 24022; Columbus Southern Power Company, 215 No. Front St., Columbus, Ohio, 43215; Indiana Michigan Power Company, One Summit Sq., Fort Wayne, Indiana, 46801; Kentucky Power Company, 1701 Central Ave., Ashland, Kentucky, 41101; Kingsport Power Company, 422 Broad St., Kingsport, Tennessee, 37660; Ohio Power Company, 339 Cleveland Ave., S.W., Canton, Ohio 44702; and Wheeling Power Company 51–16th St., Wheeling, West Virginia, 26003.

Westborough, Massachusetts 01582, have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 13(b), 32, and 33 of the Act and rules 45 and 54 thereunder.

NEES and NEERI propose to acquire interests in, finance the acquisition, and hold the securities, of one or more exempt wholesale generators (''EWG'') as defined in section 32 of the Act and/or foreign utility companies (''FUCO'') as defined in section 33 (together, ''Exempt Companies''), either directly or indirectly, through a project entity (''Project Parent''), as discussed below, without filing specific project applications. The Applicants propose the following limitations on such authority: (1) The full amount of any investment or financing, as well as any authorized guarantees or assumptions of liability, shall be counted as part of a total investment cap of $60 million (''Total Authority''), as defined below; and (2) no investment or financing will be made unless at the time of the investment or financing, and after giving effect to the investment or financing, NEES' ''aggregate investment,'' as defined in rule 53(a)(1)(i), in EWGs, FUCOs and Project Parents does not exceed 50% of the system's ''consolidated retained earnings,'' as defined in rule 53(a)(1)(ii).

To facilitate the acquisition and ownership of Exempt Companies, NEES and NEERI seek authority to organize, form or acquire, and to liquidate, dissolve or sell, in whole or in part, subsidiary Project Parents. Project Parents shall engage, directly or indirectly, and exclusively, in the business of owning and holding the interests and securities of one or more Exempt Companies and in project development activities relating to the acquisition of such interests and securities and the underlying electrical generation, transmission and distribution projects (''Investment Projects'').

Project parents shall be special purpose domestic or foreign corporations, partnerships or limited liability companies (or the equivalent of such entities in the foreign country where such Project Parent may be formed). NEES and NEERI propose to form Project Parents at any time: (1) To make bids or submit proposals to acquire interests in Exempt Companies; and (2) to facilitate and/or close on the acquisition or financing of interests in Exempt Companies. Project Parents may also be formed to participate in joint ventures with nonassociates for the purpose of owning interests in Exempt Companies and/or engaging in Investment Projects.

The Project Parents may issue securities to NEES and/or NEERI and NEES and/or NEERI may acquire such securities. The securities may take the form of capital stock or shares, debt securities, trust certificates, partnership interests or other equity or participation interests.

NEERI may provide Project Parents, and Project Parents may provide their subsidiaries, services necessary or desirable for their operations, including, without limitation, management, engineering, employment, administrative, tax, consulting, accounting, and computer and software support. The services that NEERI and/or the Project Parents will provide will not be provided for any associate company which derives, directly or indirectly, any material part of its income from sources within the United States, and which is a public utility company operating within the United States. In these cases the Applicants have requested an exemption under section 13(b) of the Act.

NEES proposes to finance, from time-to-time through December 31, 1998, the activities of NEERI and Project Parents (''NEES Investments''). The NEES Investments may take the form of purchases of capital shares, partnership interests, trust certificates (or the equivalent of any of the foregoing under the laws of foreign jurisdictions), capital contributions, subordinated loans evidenced by subordinated promissory notes, open account advances, guarantees, bid bonds or other credit support to secure obligations incurred by NEERI and/or Project Parents in connection with Exempt Company investments or of NEERI's undertaking to contribute equity to a Project Parent.

NEES may enter into reimbursement agreements with banks to support letters of credit delivered as security for NEES' or NEERI's equity contribution obligation to a Project Parent or otherwise in connection with a Project Parent's or NEERI's Exempt Company project development activities.

NEES and NEERI also propose to, from time-to-time through December 31, 1998: (1) Guarantee the indebtedness or other obligations of one or more Exempt Companies; (2) assume the liabilities of one or more Exempt Companies; and/or (3) enter into guarantees and letters of credit reimbursement agreements in support of equity contribution obligations or otherwise in connection with project development activities for one or more Exempt Companies (''Exempt Company Investments''), as discussed below.

NEES and NEERI propose that the amount of the Total Authority be reduced from time-to-time by the amount of NEES Investments and/or Exempt Company Investments made, and Non-Recourse Debt issued, and be increased from time-to-time by: (1) Proceeds received upon the sale, liquidation, repayment or other disposition of any NEES Investment or Exempt Company Investment; (2) proceeds generated from NEERI or Project Parents' activities in connection with their investments in Exempt Companies or any particular Investment Project in which NEERI or NEES has an interest; (3) the reimbursement of such NEES Investments or Exempt Company Investments out of the proceeds of any third party financing of NEERI's or Project Parents' activities or any particular Investment Project in which NEERI or NEES, directly or indirectly, has an interest; or (4) the extent to which Non-Recourse Debt issued has been paid. In any case in which NEES and NEERI together own less than all of the equity interests of a Project Parent, only that percentage of the non-recourse indebtedness of such Project Parent equal to NEES' and NEERI's combined equity ownership percentage shall be included for purposes of the foregoing limitation.

NEES Investments may be made from NEES to NEERI and/or Project Parents directly or indirectly. Any open account advance made by NEES will be non-interest bearing and shall have a maturity not exceeding one year. Any promissory note issued to NEES by NEERI or a Project Parent, or to NEERI by a Project Parent, and any promissory note or other similar evidence of indebtedness issued by a Project Parent to a person other than NEES or NEERI with respect to which NEES or NEERI may issue a guarantee, would mature not later than 30 years after the date of issuance. It would bear interest at a rate not greater than the prime rate of a bank to be designated by NEES in the case of a promissory note issued to NEES or NEERI. In the case of any note or similar evidence of indebtedness issued to a person other than NEES or NEERI and guaranteed by NEES or NEERI, the rate would not exceed (a) the greater of 250 basis points above the lending bank's or other recognized prime rate and 50 basis points above the federal funds rate; (b) 400 basis points above the specified London Interbank Offered Rate plus any applicable reserve requirement; or (c) a negotiated fixed rate 500 basis points above the 30 year ''current coupon'' treasury bond rate if such note or other indebtedness is U.S. dollar denominated. If such note or other indebtedness is denominated in the

currency of a foreign nation, the interest rate will not exceed a fixed or floating rate which, when adjusted for the prevailing rate of inflation, would be equivalent to a rate on a U.S. dollar denominated borrowing of identical average life that does not exceed 10% over the highest rate set forth above.

Any reimbursement agreement supporting a letter of credit would have a term not in excess of 30 years. Drawings under any such letter of credit would bear interest at not more than 5% above the prime rate of the letter of credit bank as in effect from time-to-time, and letter of credit fees would not exceed 1% annually of the face amount of the letter of credit.

New England Electric Resources, Inc. (70–8785)

New England Electric System (''NEES''), a registered holding company, and its research and development subsidiary company, New England Electric Resources, Inc. (''NEERI'') (together, ''Applicants''), both located at 25 Research Drive, Westborough, Massachusetts 01582, have filed an application under sections 9(a) and 10 of the Act.

By order dated February 23, 1995 (HCAR No. 26235) (''Order''), NEERI was authorized to invest up to $10 million in research and development activities. The Order provided that NEERI could invest in projects and technologies, which could include electro-technologies, energy efficiency and power quality measures, other developing environmental technologies and new generation and transmission technologies. The Order was issued on the condition that particular acquisitions remained subject to further Commission authorization.

Applicants now propose to make an initial investment of $500,000, and a possible second investment in the same amount, in Monitoring Technology Corporation (''MTC''), a Virginia corporation and the developer of a vibration monitoring technology for the risk management and performance monitoring of power turbines. MTC is developing a method to read vibration frequency ''signatures'' of power turbines and other turbomachines. This technology, referred to as Rotational Vibration Monitoring (''RVM''), would enable turbine operators to monitor their machines during normal operations and quantitatively analyze turbine performance and predict mechanical problems. This method of continuous, automated on-line monitoring, when compared to present technology, would result in: (1) Reduced turbine maintenance costs; (2) early warning of some potential catastrophic failures; and (3) ultimately more efficient turbine performance. While initially targeted at electric utilities, RVM technology has the potential for further application in other areas, such as propulsion and industrial turbines.

In consideration of NEERI's initial $500,000 equity investment and subsequent investments in the same amount, MTC will: (1) Issue shares of preferred stock and warrants to NEERI; (2) waive a participation fee, currently estimated at $200,000, for NEERI's associated power company, New England Power (''NEP''), to participate as a testing site for MTC's vibration monitoring technology; and (3) offer NEP significant discounts on certain future services from MTC.

NEERI proposes to purchase shares of MTC's convertible preferred stock (''Shares'') at a price of $1.75 per share, for a total equity investment of $500,000. NEERI's investment in the Shares will result in NEERI's ownership of not more than 4.99% of the voting securities of MTC. The Shares may be converted to shares of common stock upon the closing of an initial public offering, in which MTC's proceeds from such offering are not less than $10 million and in which the share offering price is $3.50 or more. NEERI will also receive A and B warrants which will be exercisable under certain terms and conditions to ensure that NEERI's ownership does not exceed 4.99% of the voting securities of MTC. Both the Shares and warrants will have full ratchet anti-dilution protection.

Further, the Applicants propose to make additional investments in MTC on an emergency basis prior to its commercialization period in amounts of up to $500,000. The investments will take the form of preferred or common stock, warrants or debt that is convertible to equity.

General Public Utilities Corporation (70–8793)

General Public Utilities Corporation (''GPU''), 100 Interpace Parkway, Parsippany, New Jersey 07054, has filed a declaration under sections 6(a), 7 and 12(b) of the Act and rules 45 and 54 thereunder.

By order dated September 29, 1993 (HCAR No. 25898), the Commission, among other things, authorized GPU Service Corporation, GPU's subsidiary service company (''Service Company''), to enter into a Term Loan, Revolving Credit and Guaranty Agreement, dated September 30, 1993 (''FUNB Loan Agreement''), with First Union National Bank (successor in interest to First Fidelity Bank, National Association, New Jersey) (''FUNB'') and to issue to FUNB its unsecured promissory notes maturing not later than September 30, 1998, representing borrowings thereunder in the amount of up to $16.5 million (of which $11.5 million constituted a term loan and $5 million a revolving credit facility which facility has expired). The proceeds of the term loan borrowings were used to refinance $11.5 million of Service Company's then outstanding indebtedness which Service Company had incurred to finance the construction and equipping of its Parsippany, New Jersey headquarters office building. The revolving credit borrowings were to be used for general corporate purposes including capital expenditures. The Commission further authorized GPU to unconditionally guarantee payment of principal of and interest on the notes and Service Company's other obligations to FUNB under the FUN Loan Agreement.

By order dated April 24, 1986 (HCAR No. 24069) (''April Order''), the Commission, among other things, authorized Service Company to issue to Aetna Life Insurance Company (''Aetna'') $32 million aggregate principal amount of its secured notes (''Aetna Loan''), maturing not later than December 31, 2001, secured by a first lien and security interest in Service Company's Reading, Pennsylvania office building. The proceeds of such borrowing were used to repay then outstanding borrowings incurred to finance the construction and equipping of the Reading office building and for working capital purposes. The April Order also authorized GPU to guarantee Service Company's payment of principal and interest on and performance of its other obligations with respect to these secured notes.

As of February 1, 1996, the principal amount of borrowings outstanding under the FUNB Loan Agreement and Aetna Loan was $11.5 million and $19.2 million, respectively. The Aetna Loan bears interest at a fixed rate of 10.87% per annum. Notes issued under the FUNB Loan Agreement bear interest at fluctuating rates based upon (i) FUNB's base rate, or (ii) the London Interbank Offered Rate plus 37.5 basis points and the applicable reserve.

Service Company has determined that market conditions are sufficiently favorable to warrant a refinancing of the Aetna Loan and, possibly, at the same time a refinancing of borrowings under the FUNB Loan Agreement as well. Accordingly, Service Company now intends, from time to time through February 1, 2006, to borrow up to $40

million from one or more commercial banks or other institutions under one or more new term loan and/or revolving credit facilities (''New Loan Agreement'') entered into on or before February 1, 2006. Each New Loan Agreement would provide for interest at negotiated market rates but, in any case, not in excess of the greater of (i) 150 basis points above the greater of (a) the lending bank's or other recognized prime rate and (b) 50 basis points above the federal funds rate, (ii) 200 basis points above the specified London Interbank Offered Rate plus any applicable reserve requirement, (iii) a negotiated fixed rate which, in any event, would not exceed 300 basis points above the treasury bond rate with an identical average life, or (iv) a rate equal to the average domestic money bid rate for certificates of deposit of similar maturities, plus up to 100 basis points and any applicable reserve requirements; and would include other customary terms and conditions. Loans under each New Loan Agreement would have a maturity of up to 20 years and may be evidenced by promissory notes. Proceeds of borrowings under the New Loan Agreement would be used to repay all or a portion of the outstanding borrowings under the FUNB Loan Agreement. The balance would be used for working capital and other corporate purposes.

In order to enable Service Company to borrow at more favorable rates and other terms, GPU proposes, from time to time through February 1, 2006, to enter into guaranty agreements in favor of the banks or other institutional lenders under the New Loan Agreements to unconditionally guarantee payment of principal, interest and Service Company's other obligations under the New Loan Agreements.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4740 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[Release Nos. 33–7266; 34–36881; File No. 265–20]

Advisory Committee on the Capital Formation and Regulatory Processes; Renewal

AGENCY: Securities and Exchange Commission.

ACTION: Notice of the Renewal of the Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes.

SUMMARY: The Chairman of the Commission, with the concurrence of the other member of the Commission, has renewed the Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes (''Committee''), which will advise the Commission regarding the informational needs of investors and the regulatory costs imposed on the U.S. securities markets.

ADDRESSES: Written comments should be submitted in triplicate and should refer to File No. 265–20. Comments should be submitted to Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Meridith Mitchell, Assistant General Counsel, Office of the General Counsel, at 202–942–0890; Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, 5 U.S.C. App., the Securities and Exchange Commission has directed publication of this notice that Chairman Arthur Levitt, with the concurrence of the other member of the Commission, has renewed the ''Securities and Exchange Commission Advisory Committee on the Capital Formation and Regulatory Processes.'' Chairman Levitt certifies that he has determined that the renewal of the Committee is necessary and in the public interest.

The Committee's charter directs the Committee to assist the Commission in evaluating the efficiency and effectiveness of the regulatory process and the disclose requirements relating to public offerings of securities, secondary market trading and corporate reporting, and in identifying and developing means to minimize costs imposed by current regulatory programs, from the perspective of investors, issuers, the various market participants, and other interested persons and regulatory authorities.

The Committee members are able to represent the varied interests affected by the range of issues being considered. The Committee's membership includes, among others, persons who represent investors, issuers, market participants, independent public accountants, regulators and the public at large. The Committee's members are able to represent a variety of viewpoints and have varying experience, and the Committee is fairly balanced in terms of points of view, backgrounds and tasks. The Chairman of the Committee is Commissioner Steven M.H. Wallman.

The Committee will conduct its operations in accordance with the provisions of the Federal Advisory Committee Act. The duties of the Committee are solely advisory. Determinations of action to be taken and policy to be expressed with respect to matters upon which the Advisory Committee provides advice or recommendations shall be made solely by the Commission.

The Committee will meet at such intervals as are necessary to carry out its functions. It is expected that meetings of the full Committee generally will occur no more frequently than 5 times; meetings of subgroups of the full Advisory Committee will likely occur more frequently. The Securities and Exchange Commission will provide necessary support services to the Committee.

The Committee will terminate on September 30, 1996 unless, prior to such time, its charter is renewed for a further period in accordance with the Federal Advisory Committee Act, or unless the Chairman, with the concurrence of the other members of the Commission, determines that continuance of the Committee is no longer in the public interest.

Concurrent with publication of this notice in the Federal Register, a copy of the charter of the Committee will be filed with the Chairman of the Commission, the Senate Committee on Banking, Housing, and Urban Affairs and the House Committee on Commerce. A copy of the charter will also be furnished to the Library of Congress and placed in the Commission's Public Reference Room for public inspection.

Dated: February 23, 1996.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–4741 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–36874; File No. SR–PSE–95–32]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by Pacific Stock Exchange, Inc. to Establish a Competing Specialist Program

February 22, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 21, 1995, the Pacific Stock Exchange, Inc. (''PSE''

or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change, and on February 16, 1996, Amendment No. 1 to the proposed rule change,[1] as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PSE is proposing to establish a competing specialist pilot program. The proposal includes specific procedures for competing specialists, including procedures for registration, withdrawal, and participation in the competing specialist program. The Exchange is also proposing to extend its official policies relating to circuit breakers to Competing Specialists.[2]

The Text of the proposed procedures for competing specialists is as follows:

Pacific Stock Exchange incorporated; Procedures for Competing Specialists

The following are procedures for the Competing Specialist Pilot Program.

1. Registered Specialists are not eligible to act as Competing Specialists.

2. Applications to compete must be directed to the Equity Floor Trading Committee in writing and must list in order of preference the stock(s) in which the applicant intends to compete. The Equity Floor Trading Committee will consider the following in reviewing an application:

- Financial capability.
- Adequacy of staffing on the Floor.
- Existence of adequate Chinese Wall Procedures at the applicant firm.
- Agreement of both Registered Specialist to allow trading of specific issues by the Competing Specialist.

3. All applicants must be registered as members with the Exchange and must meet the net capital requirements pursuant to SEC Rule 15c3–1 and capital requirements set forth in Rule 2.2(b) of the Rules of the Exchange, and conform to all other performance requirements and standards set forth in the Rules of the Exchange. All applicants who control, are controlled by, or are under common control with another person engaged in a securities or related business shall have and maintain appropriate Chinese Wall procedures as approved by a self-regulatory organization. A competing specialist will be subject to all the rules and policies applicable to a regular specialist, unless otherwise indicated.

4. All applicant organizations, existing or newly created, must satisfy the Equity Floor Trading Committee that they have sufficient staffing to enable them to fulfill the functions of a specialist in all of the stocks in which the applicant will be registered as a Competing Specialist.

5. Order flow not specifically designated for a Competing Specialist must be routed to either Registered Specialist. However, a firm that is affiliated with a competing specialist in an issue must designate all PSE order flow to that competing specialist in that issue.

6. In a competitive situation, if the Competing Specialist organization that received approval to compete with the Registered Specialist desires to terminate the competition by requesting that it be relieved of the stock that is the subject of the competition, it should so notify the Equity Floor Trading Committee at least 3 business days prior to the desired effective date of such withdrawal, except in those situations when such notice is not practicable.

7. Any Competing Specialist who withdraws his/her registration in a stock will be barred from applying to compete in that same stock for a period of ninety (90) days following the effective date of withdrawal.

8. Notwithstanding the existence of Competing Specialist situations, there is only one Exchange market in a security subject to competition. Competitors must cooperate with the Registered Specialist regarding openings and reopenings to ensure that they are unitary.

9. Limit orders entrusted to the Competing Specialist are to be represented and executed strictly according to time priority as to receipt of the order on the Exchange in accordance with Exchange rules.

10. Competing Specialists must keep the Registered Specialists informed about the full size of any executable ''all or none'' orders in their possession since all-or-none orders cannot be represented in the disseminated quote. The Competing Specialist is expected to represent such orders on a ''best efforts'' basis to ensure the execution of the entire order at a single price or prices, or not at all.

11. The registration of any Competing Specialist may be suspended or terminated by the Equity Floor Trading Committee upon a determination of any substantial or continued failure by such Competing Specialist to engage in dealing in accordance with the Constitution and Rules of the Exchange.

12. The Exchange shall establish an effective date for competition to commerce. Since the Exchange cannot know what the impact of competition will be on its marketplace, it will limit competition during the first year of operation as follows:

a. The total number of stocks in which competition will be permitted shall initially be limited to ten per applicant firm, or a number (not to exceed twenty) as determined by the Board of Governors.

b. No applicant firm will have more than one Competing Specialist.

c. The number of Competing Specialists will be limited to two on each Equity Floor.

d. The number of competitors in any given stock will be limited to three (two Registered Specialists and one Competing Specialist).

e. There will be a quarterly review of the program, or upon request by a Registered Specialist in a specific Competing Specialist issue.

Once the program has operated for one year, the Board of Governors will evaluate it and determine whether to continue the program or to modify its terms.[3]

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 purpose of the proposed rule change is to establish a competing specialist pilot program. Under the proposal, competing specialists are permitted to compete with registered specialist on the floor of the Exchange. Orders are directed either to a registered specialist or the competing specialist in an issue based on each customer's independent decision, but all orders in a stock received by the Exchange are executed in accordance with strict time priority. Once all limit orders at a price level are depleted, each specialist is responsible for the market orders directed to them.

The registered specialists are responsible for updating quotations and coordinating openings and reopenings to ensure that they are unitary. All ITS activity must be cleared through a

[1] See letter from David P. Semak, Vice President Regulation, to Katherine A. Simmons, Attorney, SEC, dated February 15, 1996. Amendment No. 1 provided additional description of the proposal and changes to the Procedures for Competing Specialists. These additions and changes are incorporated herein.

[2] Securities Exchange Act Release No. 26368 (December 16, 1988), 53 FR 51942 (December 23, 1996). The PSE filed the rule in the form of an official policy that stated it would cooperate with a request from the Commission to halt trading in all equity and equity-related products traded on the Exchange in conjunction with halted trading at other U.S. markets. The Commission, in approving the PSE's proposed rule change, requested that the PSE implement its policy statement by imposing a trading halt as quickly as practicable whenever the NYSE and other equity markets have suspended trading. See also Securities Exchange Act Release No. 27370 (October 23, 1989), 54 FR 43881, n.5 (October 27, 1989).

[3] The Commission notes that the Exchange will be required to file a proposed rule change pursuant to Section 19(b) of the Act before it may modify the terms of the program.

registered specialist. To all other markets in the national market system, there is only one PSE market. Trading halts are coordinated through a registered specialist and apply to all competitors in the stock.

Under the proposed competing specialist program, the Exchange's rules governing the auction market principles of priority, parity, and precedence remain unchanged for quotes at the NBBO.[4] Under the PSE's rules, if two or more specialists are quoting at the NBBO, the earliest bid/offer at that price has time priority and will be filled first up to its specified size.[5] When none of the specialists are quoting at the NBBO, the competing specialist program permits orders to be executed by a particular specialist at the NBBO or better.[6] If a particular specialist is not specified, the order is directed to a regular specialist. However, if a routine firm is affiliated with a Competing Specialist, that firm may not route orders to another specialist, but must route them to the member firm's affiliated specialist, thereby preventing member firms affiliated with a specialist from routing non-profitable orders to another specialist when market conditions are unfavorable.[7]

All limit orders will be represented and executed strictly according to time priority on the Exchange.[8] Incoming orders are first executed against any contra-side limit orders on the Exchange. All specialists may execute their designated order flow unless there is a contra-side limit order on the Exchange or another specialist has a superior quote (with tie priority) at the NBBO.

Where a security is traded on both equity floors, each specialist is responsible for properly coordinating and synchronizing orders (and executions) with the corresponding specialist on the other Floor.[9] PSE specialists currently have the capability to enter their own quotes into P/COAST, and Competing Specialists at the PSE will have the same capability. In addition, the Exchange anticipates having in place by March 31, 1996, a Consolidated Limit Order File, which will allow all of the PSE specialists in a given issue to have access to the information in each other's limit order books.[10]

All competing specialists will be evaluated on competing stocks in accordance with the Exchange's Specialist Performance Evaluation Program. In addition, at any time, a registered specialist may request an evaluation of a competing specialist's performance in an issue that is traded by both the registered and competing specialists.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act, in general, and furthers the objectives of Section 6(b)(5), in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PSE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No 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 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 the 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, 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 wit 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, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PSE. All submissions should refer to File No. SR–PSE–95–32 and should be submitted by March 22, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–4824 Filed 2–29–96; 8:45 am]

BILLING CODE 8010–01–M

[4] See PSE Rules 5.8(a)–(i). PSE Rule 5.8(c) states in part: "When a bid or offer is clearly established as the first made at a particular price regardless of the floor, the maker shall be entitled to priority and shall have precedence on the next sale at that price * * *."

[5] See PSE Rule 5.8(c).

[6] For example, assume that the NBBO is 20 bid to 20/18 offered, and specialist A is bidding 19¾ while specialist B is bidding 19½. A market order to sell may be directed to specialist B for execution even though specialist A has a better bid because neither specialist is bidding at the NBBO. Under the competing specialist program, specialist B would execute the order at 20 (the NBBO) or better. If specialist A had been bidding 20 (the NBBO), specialist A would have had priority to execute the order even though it was designated to specialist B.

[7] As noted above, however, if another specialist is quoting the NBBO and clearly has established priority on the PSE floors, then that specialist will fill the order despite the fact that the order was designated for the affiliated Competing Specialist.

[8] There is only one PSE market in a particular security, and time priority is maintained among all orders received by the PSE.

[9] See PSE Rule 5.8(c).

[10] See letter from David P. Semak, Vice President Regulation, PSE, to Katherine A. Simmons, Attorney, SEC, dated February 20, 1996.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2833]

Pennsylvania (and Contiguous Counties in New Jersey); Declaration of Disaster Loan Area (Amendment #1)

The above-numbered Declaration is hereby amended to reflect new interest rates effective for all disasters which occurred on or after January 24, 1996:

The current interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	7.250
Homeowners without credit available elsewhere	3.625
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (Including non-profit organizations) with credit available elsewhere	7.125

	Percent
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

Dated: February 15, 1996.

John T. Spotila,

Acting Administrator.

[FR Doc. 96–4780 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

[License No. 04/04–0230]

North Riverside Capital Corporation; Notice of Surrender of Licensee

Notice is hereby given that North Riverside Capital Corporation, 50 Technology Park/Atlanta, Norcross, Georgia 30092, has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). North Riverside Captial Corporation was licensed by the Small Business Administration on August 24, 1984.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on this date, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 22, 1996.

Donald A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–4781 Filed 2–29–96; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Collection Request

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that will require submission to the Office of Management and Budget (OMB) for clearance in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act. Since the last list was published in the Federal Register on February 26, 1996, the information collections listed below have been proposed or will require extension of the current OMB approvals.

(Call the SSA Reports Clearance Officer on (410) 965–4142 for a copy of the form(s) or package(s), or write to her at the address listed below the information collections.)

1. Letter to Landlord Requesting Rental Information—0960–0454. The information collected on form SSA–L5061 is used to determine if a rental subsidy agreement exists between a landlord and an applicant for, or recipient of, Supplemental Security Income benefits. The affected public is landlords who may be subsidizing such a rental arrangement.

Number of Respondents: 49,000
Frequency of Response: As needed to verify subsidy arrangements
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 8,167 hours

2. Farm Arrangement Questionnaire—0960–0064. The information collected on form SSA–7157 is used to determine if farm rental income may be considered self-employment income for Social Security coverage purposes. The respondents are individuals alleging self-employment income from the activity of renting land for farming activities.

Number of Respondents: 38,000
Frequency of Responses: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 19,000 hours

3. Request for Hearing By Administrative Law Judge—0960–0269. The information on form HA–501 is used by the Social Security Administration to document an individual's request for a hearing on an unfavorable determination concerning his or her benefits. The respondents are such individuals who request a hearing.

Number of Respondents: 625,563
Frequency of Response: 1
Average Burden Per Response: 10 minutes
Estimated Annual Burden: 104,260

4. Petition to Obtain Approval of a Fee for Representing a Claimant before the Social Security Administration—0960–104. The information on form SSA–1560 is used to determine if a representative is asking for a reasonable fee for representing a claimant before the Social Security Administration (SSA). The respondents are attorneys or other persons representing claimants before SSA.

Number of Respondents: 89,724
Frequency of Response: 1
Average Burden Per Response: 30 minutes
Estimated Annual Burden: 44,862

5. State Mental Institution Policy Review—0960–0110. The information collected on form SSA–9584 is used by the Social Security Administration to determine whether an institution's policies and practices conform with SSA's regulations in the use of benefits, and whether the institution is performing other duties and responsibilities required of a representative payee. The information also provides the basis for conducting the actual onsite review and is used in the preparation of the subsequent report of findings and recommendations which is provided to the institution. The respondents are state mental institutions which serve as representative payees for Social Security beneficiaries.

Number of Respondents: 183
Frequency of Response: 1 per year
Average Burden per Response: 1 hour
Estimated Annual Burden: 183 hours

Social Security Administration

Written comments and recommendations regarding these information collections should be sent within 60 days from the date of this publication, directly to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Charlotte S. Whitenight, 6401 Security Blvd., 1–A–21 Operations Bldg., Baltimore, MD 21235.

In addition to your comments on the accuracy of the agency's burden estimate, we are soliciting comments on the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Agency Information Collection Activities: Submission for OMB Review; Comment Request.

The information collection listed below, which was published in the Federal Register on December 29, 1995, has been submitted to OMB.

Plans for Achieving Self-Support—0960–NEW. The information is collected when a Supplemental Security Income (SSI) recipient desires to use available income and resources to obtain education and/or training in order to become self-supportive. The information is used to evaluate the recipient's plan for achieving self-support to determine whether the plan may be approved. The respondents are SSI recipients.

Number of Respondents: 5,500
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 1,833 hours

Social Security Administration

Written comments and recommendations regarding this

information collection should be sent within 30 days of the date of this publication. Comments may be directed to OMB and SSA at the following addresses:

(OMB), Office of Management and Budget, OIRA, Attn: Laura Oliven, New Executive Office Building, Room 10230, Washington, D.C. 20503

(SSA), Social Security Administration, DCFAM, Attn: Charlotte S. Whitenight, 6401 Security Blvd, 1–A–21 Operations Bldg., Baltimore, MD 21235

Dated: February 22, 1996.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 96–4482 Filed 2–29–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 2350]

Extension of the Restriction on the Use of United States Passports for Travel To, In, or Through Lebanon

On January 26, 1987, pursuant to the authority of 22 U.S.C. 211a and Executive Order 11295 (31 FR 10603), and in accordance with 22 CFR 51.73(a)(3), all United States passports, with the exception of passports of immediate family members of hostages in Lebanon, were declared invalid for travel to, in, or through Lebanon unless specifically validated for such travel. This action was taken because the situation in Lebanon was such that American citizens there could not be considered safe from terrorist acts.

Although there continues to be improvement in the security situation, review of the situation there has led me to conclude that Lebanon continues to be an area ''* * * where there is imminent danger to the public health or the physical safety of United States travelers'' within the meaning of 22 U.S.C. 211a and 22 CFR 51.73(a)(3).

Accordingly, all United States passports shall remain invalid for travel to, in, or through Lebanon unless specifically validated for such travel under the authority of the Secretary of State.

This Public Notice shall be effective upon publication in the Federal Register and shall expire at the end of six months unless extended or sooner revoked by Public Notice.

Dated: February 27, 1996.

Warren Christopher,

Secretary of State.

[FR Doc. 96–4972 Filed 2–28–96; 3:23 pm]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Agency Information Collection; Activity Under OMB Review; Accounting and Reporting Requirements for Large Certificated Air Carriers

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics (BTS) invites the general public, industry and other Federal Agencies to comment on the continuing need and usefulness of the BTS Form 41. Comments are requested concerning whether (a) the continuation of Form 41 is necessary for DOT to carry out its mission of promoting air transportation; (b) BTS accurately estimated the reporting burden; (c) there are other ways to enhance the quality, utility and clarity of the information collected; and (d) there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by April 30, 1996.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus, Office of Airline Information, BTS, at (202) 366–4387.

SUPPLEMENTARY INFORMATION: OMB Approval No. 2138–0013.

Title: Report of Financial and Operation Statistics for Large Certificated Air Carriers

Form No.: BTS Form 41

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers

Number of Respondents: 98

Estimated Time Per Response: 4 hours

Total Annual Burden: 35287

Needs and Uses: DOT uses Form 41 traffic data to help formulate the United States position in international negotiations, to select carriers for international routes and to conduct environmental impact analyses. DOT uses Form 41 cost data to calculate the Standard Fare Levels (Passenger and Cargo) and to set the Intra-Alaska and international mail rates. The Department of the Air Force, Military Airlift Command uses Form 41 data in ratemaking for the Civil Reserve Air Fleet Program, and for its Air Carrier Analysis Support System (ACAS).

DOT uses operational and financial data to review International Air Transport Association Agreements (IATA), to review initial air carrier fitness, to review air carrier continuing fitness, to review foreign air carrier applications and monitor the status of the air transport industry. The Justice Department uses the data in its antitrust analyses. DOT meets its responsibility to International Civil Aviation Organization, an arm of the United Nations, by the use of Form 41 data.

Traffic data, especially enplanement data, are used for the National Plan of Integrated Airport Systems, airport capacity analyses, the Airport Improvement Program, systems planning at airports, exemption requests to transport hazardous materials, and essential air service analyses.

The Department of Energy uses Form 41 fuel data in monitoring industry fuel consumption for emergency preparedness planning.

The Federal Aviation Administration and the National Transportation Safety Board use Form 41 data in safety analyses (operational), air carrier certification, safety forecasting/regulatory analysis and air carrier safety surveillance and inspection.

DOT uses aircraft inventory data in its administration of the War Air Service Program (Emergency Preparedness).

The Department of Commerce, Bureau of Economic Analysis, uses Form 41 data in its estimation of the Gross National Product, analyses of international trade accounts and to compile the Input-Output Tables of the United States.

The Department of Labor uses employment statistics in its Productivity Studies and Indices.

Dated: February 26, 1996.

Timothy E. Carmody,

Acting Director, Office of Airline Statistics, Bureau of Transportation Statistics.

[FR Doc. 96–4801 Filed 2–29–96; 8:45 am]

BILLING CODE 4910–7E–P

Aviation Proceedings; Agreements Filed During the Week Ending February 23, 1996

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: OST–96–1092.

Date filed: February 21, 1996.

Parties: Members of the International Air Transport Association.

Subject: TC1 Telex Mail Vote 781, St. Croix and St. Thomas add-ons, Intended effective date: March 1, 1996.

Docket Number: OST–96–1093.

Date filed: February 21, 1996.

Parties: Members of the International Air Transport Association.

Subject: COMP Telex Mail Vote 782, Burundi Currency Change, r-1— 010z r-2—010ff, Intended effective date: April 1, 1996.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–4840 Filed 2–29–96; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending February 23, 1996

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–96–1091

Date filed: February 21, 1996

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 20, 1996

Description: Application of American Airlines, Inc., pursuant to 49 U.S.C. Section 41108 and Subpart Q of the Regulations, applies for a certificate of public convenience and necessity authorizing foreign air transportation of persons, property and mail between the terminal points Chicago, Illinois, Los Angeles, California, and New York, New York and the terminal point Tokyo, Japan, with the right to integrate such authority with its certificate for Route 137.

Docket Number: OST–96–1102

Date filed: February 23, 1996

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 22, 1996

Description: Application of Sky Trek International Airlines, Inc., pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regulations, requests authority to engage in charter air transportation of passengers, property, and mail: Between a place in (i) a State, territory, or possession of the United States and a place in the District of Columbia or another State, territory or possession of the United States; (ii) Hawaii and another place in Hawaii through the airspace over a place outside Hawaii; (iii) the District of Columbia and another place in the District of Columbia; and (iv) a territory or possession of the United States and another place in the same territory or possession.

Docket Number: OST–96–1103

Date filed: February 23, 1996

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 22, 1996

Description: Application of Sky Trek International Airlines, Inc., pursuant to 49 U.S.C. Section 41102, and Subpart Q of the Regualtions, requests authority to engage in charter air transportation of passengers, property, and mail: Between any place in the United States and any place outside thereof.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 96–4839 Filed 2–29–96; 8:45 am]

BILLING CODE 4910–62–P

National Highway Traffic Safety Administration

Annual List of Nonconforming Vehicles Decided To Be Eligible for Importation

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

ACTION: Annual list of nonconforming vehicles decided to be eligible for importation.

SUMMARY: This notice lists all vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards that have been decided, as of January 22, 1996, to be eligible for importation into the United States.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION: Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as the Secretary of Transportation decides to be adequate.

Under 49 U.S.C. 30141(a)(1) (formerly section 108(c)(3)(C)(i) of the Act), import eligibility decisions may be made ''on the initiative of the Secretary of Transportation or on petition of a manufacturer or importer registered under [49 U.S.C. 30141(c)].'' The Secretary's authority to make these decisions has been delegated to the Administrator of NHTSA under 49 CFR 1.50(a). The Administrator initially redelegated to the Associate Administrator for Enforcement (now Safety Assurance) the authority to grant or deny petitions for import eligibility decisions submitted by motor vehicle manufacturers and registered importers, and subsequently transferred this authority to the Director, Office of Vehicle Safety Compliance (49 CFR 501.8(l)). Thus far, a number of import eligibility decisions have been made on the Administrator's own initiative, and the Associate Administrator and Office Director have granted many petitions for such decisions submitted by registered importers.

Under 49 U.S.C. 30141(b)(2) (formerly section 108(c)(3)(C)(iv) of the Act), a list of all import eligibility decisions must be published annually in the Federal Register. That list is set forth in Annex A and is current as of January 22, 1996.

Each vehicle on the list is preceded by a vehicle eligibility number. The importer of a vehicle admissible under any eligibility decision must write that number on the Form HS–7 accompanying entry to indicate that the vehicle is eligible for importation. ''VSA'' eligibility numbers are assigned to all vehicles that are decided to be eligible for importation on the initiative of the Administrator. ''VSP'' eligibility numbers are assigned to vehicles that are decided to be eligible under 49

U.S.C. 30141(a)(1)(A), based on a petition from a manufacturer or registered importer which establishes that a substantially similar U.S.-certified vehicle exists. ''VCP'' eligibility numbers are assigned to vehicles that are decided to be eligible under 49 U.S.C. 30141(a)(1)(B), based on a petition from a manufacturer or registered importer which establishes that the vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards. Vehicles for which eligibility decisions have been made are listed in Annex A alphabetically by make. Eligible models within each make are listed numerically by ''VSA,'' ''VSP,'' or ''VCP'' number.

Under 49 U.S.C. 30112(b)(9) (formerly section 108(i) of the Act), ''any motor vehicle that is at least 25 years old'' is not subject to importation restrictions. Such vehicles may therefore be imported into the United States without regard to their compliance with applicable Federal motor vehicle safety standards. Since the importation of a vehicle more than 25 years old is not conditioned on the existence of an eligibility decision, NHTSA has amended its eligibility decisions so that they no longer apply to such vehicles.

Authority: 49 U.S.C. 30141(b)(2); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: February 27, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

Annex A—Vehicles Certified by Their Original Manufacturer as Complying With All Applicable Canadian Motor Vehicle Safety Standards

VSA #1

(a) All passenger cars less than 25 years old that were manufactured before September 1, 1989;

(b) All passenger cars manufactured on or after September 1, 1989, and before September 1, 1996, which are equipped with an automatic restraint system that complies with Federal Motor Vehicle Safety Standard (FMVSS) No. 208;

(c) All multipurpose passenger vehicles, trucks, and buses less than 25 years old that were manufactured before September 1, 1991;

(d) All multipurpose passenger vehicles, trucks, and buses manufactured on and after September 1, 1991, certified by their original manufacturer to comply with the requirements of FMVSS No. 202 and 208 to which they would have been subject had they been manufactured for sale in the United States; and

(e) All trailers and motorcycles less than 25 years old.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET

VSP No.	Model type	Model year
Acura		
51	Legend	1988.
77	Legend	1989.
Alfa Romeo		
44	Spider	1972.
70	Spider	1987.
76	164	1991.
124	GTV	1985.
Aston Martin		
123	Volante	1990 through 1991.
Audi		
93	100	1989.
BMW		
3	2002	1972 through 1976.
7	2002A	1972 through 1976.
10	2002Tii	1972 through 1974.
11	3.0 and 3.0A Bavaria	1972.
12	3.0CSi and 3.0SiA	1972 through 1974.
13	3.0S and 3.0SA	1974.
14	3.0Si and 3.0SiA	1975.
15	530i and 530iA	1975 through 1978.
16	320, 320i, and 320iA	1976 through 1985.
17	630CSi 630CSiA	1977.
18	633CSi and 633CSiA	1977 through 1984.
19	733i and 733iA	1977 through 1984.
20	528i and 528iA	1979 through 1984.
21	528e and 528eA	1982 through 1988.
22	533i and 533iA	1983 through 1984.
23	318i and 318iA	1981 through 1989.
24	325e and 325eA	1984 through 1987.
25	535i and 535iA	1985 through 1989.
26	524tdA	1985 through 1986.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

VSP No.	Model type	Model year
27	635, 635CSi, and 635CSiA	1979 through 1989.
28	735, 735i, and 735iA	1980 through 1989.
29	L7	1986 through 1987.
30	325, 325i, 325iA, and 325E	1985 through 1989.
31	325 is and 325isA	1987 through 1989.
32	M6	1987 through 1988.
33	325iX and 325iXA	1988 through 1989.
34	M5	1988.
35	M3	1988 through 1989.
66	316	1978 through 1982.
67	323i	1978 through 1985.
68	520 and 520i	1978 through 1983.
69	525 and 525i	1979 through 1982.
70	728 and 728i	1977 through 1985.
71	730, 730i, and 730iA	1978 through 1980.
72	732i	1980 through 1984.
73	745i	1980 through 1986.
78	All other models except those in the M1 and Z1 series	1972 through 1989.
BMW		
4	518i	1986.
5	525i	1989.
6	730iA	1988.
9	520iA	1989.
10	850i	1991.
14	728i	1986.
15	625CSi	1981.
24	730i	1991.
25	316	1986.
32	628CSi	1980.
41	750iL	1993.
46	518i	1991.
55	850i	1993.
57	730i	1993.
79	525i	1991–1992.
81	750iL	1991.
91	750iL	1990.
96	325i	1991.
99	840Ci	1993.
110	520i	1992.
119	520i	1994.
131	730i	1993 through 1994.
133	525i	1993.
BMW Motorcycle		
30	R75/6	1974.
58	R100S	1977.
Bristol Bus		
2	VRT Bus—Double Decker	1978–1981.
4	VRT Bus—Double Decker	1977.
10	VRT Bus—Double Decker	1972 through 1973.
Citroen		
1	XM	1990 through 1992.
Dodge		
112	Colt	1973.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET

VSP No.	Model type	Model year
135	Ram	1994 through 1995.
	Ferrari	
36	308 (all models)	1974 through 1985.
37	328 GTS	1985 through 1989.
37	328 (all other models)	1985 and 1988 through 1989.
38	GTO	1985.
39	Testarossa	1987 through 1989.
74	Mondial (all models)	1980 through 1989.
76	208, 208 Turbo (all models)	1974 through 1988.
	Ferrari	
86	348TB	1992.
100	365 GTB/4 Daytona	1972–1973.
107	Dino	1973.
	Ford	
9	Escort RS	1994 through 1995.
	GMC	
134	Suburban	1992 through 1994.
	Hobson	
8	Horse Trailer	1985.
	Honda	
128	Civic DX	1989.
	Honda Motorcycle	
34	VFR750	1990.
106	CB1000F	1988.
	Jaguar	
40	XJS	1980 through 1987.
41	XJ6	1972 through 1986.
47	XJ6	1987.
78	Sovereign	1993
129	XJS	1992.
	Jaguar Daimler	
12	Limousine	1985.
	Kenworth	
115	T800	1992.
	Lancia	
7	Fulvia	1973.
	Laverda Motorcycle	
37	1000	1975.

VEHICLES MANUFACTURED FOR OTHER THAN THE CANADIAN MARKET—Continued

VSP No.	Model type	Model year
	Mazda	
42	RX7	1978 through 1981.

VSA No.	Model type	Model ID	Model year
	Mercedes Benz		
43	600	100.012	1972 through 1981.
43	600 Long 4dr	100.014	1972 through 1981.
43	600 Landaulet	100.015	1972 through 1981.
43	600 Long 6dr	100.016	1972 through 1981.
44	280 S.C	107.022	1975 through 1981.
44	350 S.C	107.023	1972 through 1979.
44	450 S.C	107.024	1973 through 1989.
44	380 S.C	107.025	1981 through 1989.
44	500 S.C	107.026	1978 through 1981.
44	300 SL	107.041	1986 through 1988.
44	280 SL	107.042	1972 through 1985.
44	350 SL	107.043	1972 through 1978.
44	450 SL	107.044	1972 through 1989.
44	380 SL	107.045	1980 through 1989.
44	500 SL	107.046	1980 through 1989.
44	420 SL	107.047	1986.
44	560 SL	107.048	1986 through 1989.
45	280 S	108.016	1972.
45	280 SE	108.018	1972.
45	280 SEL	108.019	1972.
45	280 SE (3.5)	108.057	1972 through 1973.
45	280 SEL (3.5)	108.058	1972 through 1973.
45	280 SE (4.5)	108.067	1972.
45	280 SEL (4.5)	108.068	1972.
46	300 SEL	109.016	1972.
46	300 SEL (6.3)	109.018	1972.
46	300 SEL (4.5)	109.057	1972.
49	230.6	114.015	1972 through 1976.
49	250	114.010	1972 through 1976.
49	250	114.011	1972 through 1976.
49	250 CE	114.022	1972 through 1976.
49	250 C	114.023	1972 through 1976.
49	280	114.060	1972 through 1976.
49	280 E	114.062	1972 through 1976.
49	280 CE	114.072	1972 through 1976.
49	280 C	114.073	1972 through 1976.
50	200	115.015	1976 through 1976.
59	230.4	115.017	1974 through 1976.
50	220 D	115.110	1972 through 1976.
50	240 D (3.0)	115.114	1974 through 1976.
50	240 D	115.117	1974 through 1976.
51	280 S	116.020	1973 through 1980.
51	280 SE	116.024	1972 through 1988.
51	280 SEL	116.025	1972 through 1980.
51	350 SE	116.028	1973 through 1980.
51	350 SEL	116.029	1972 through 1980.
51	450 SE	116.032	1972 through 1980.
51	450 SEL	116.033	1972 through 1988.
51	450 SEL (6.9)	116.036	1972 through 1988.
52	200	123.020	1976 through 1980.
52	230	123.023	1976 through 1985.
52	250	123.026	1976 through 1985.
52	280	123.030	1976 through 1985.
52	280 E	123.033	1976 through 1985.
52	230 C	123.043	1978 through 1980.
52	280 C	123.050	1977 through 1980.
52	280 CE	123.053	1977 through 1985.
52	230 T	123.083	1977 through 1985.
52	280 TE	123.093	1977 through 1985.
52	200 D	123.120	1980 through 1982.
52	240 D	123.123	1977 through 1985.
52	300 D	123.130	1976 through 1985.
52	300 D	123.133	1977 through 1985.

VSA No.	Model type	Model ID	Model year
52	300 CD	123.150	1978 through 1985.
52	240 TD	123.183	1977 through 1985.
52	300 TD	123.193	1977 through 1985.
52	200	123.220	1979 through 1985.
52	230 E	123.223	1977 through 1985.
52	230 CE	123.243	1980 through 1984.
52	230 TE	123.283	1977 through 1985.
53	280 S	126.021	1980 through 1983.
53	280 SE	126.022	1980 through 1985.
53	280 SEL	126.023	1980 through 1985.
53	300 SE	126.024	1985 through 1989.
53	300 SEL	126.025	1986 through 1989.
53	380 SE	126.032	1979 through 1989.
53	380 SEL	126.033	1980 through 1989.
53	420 SE	126.034	1985 through 1989.
53	420 SEL	126.035	1986 through 1989.
53	500 SE	126.036	1980 through 1986.
53	500 SEL	126.037	1980 through 1989.
53	560 SEL	126.039	1986 through 1989.
53	380 SE	126.043	1982 through 1989.
53	500 SEC	126.044	1981 through 1989.
53	560 SEC	126.045	1986 through 1989.
53	300 SD	126.120	1981 through 1989.
54	190	201.022	1984.
54	190 E (2.3)	201.024	1983 through 1989.
54	190 E	201.028	1986 through 1989.
54	190 E (2.6)	201.029	1986 through 1989.
54	190 E 2.3 16	201.034	1984 through 1989.
54	190D (2.2)	201.122	1984 through 1989.
54	190 D	201.126	1984 through 1989.
55	200	124.020	1985.
55	230E	124.023	1985 through 1987.
55	260E	124.026	1985 through 1989.
55	300 E	124.030	1985 through 1989.
55	300 CE	124.050	1988 through 1989.
55	230 TE	124.083	1985.
55	300 TE	124.090	1986 through 1989.
55	300 D	124.130	1985 and 1986.
55	300 D Turbo	124.133	1985 through 1989.
55	300 TD Turbo	124.193	1986 through 1989.
77	All other models except Model ID 114 and 115 with sales designations ''long,'' ''station wagon,'' or ''ambulance''		1972 through 1989.
1	230 E	124.023	1988.
2	230 TE	124.083	1989.
3	200 TE	124.081	1989.
7	300SL	107.041	1989.
11	200E	124.021	1989.
17	200D	124.120	1986.
18	260SE	126.020	1986.
19	230E	124.023	1990.
20	230E	124.023	1989.
21	300SEL	126.025	1990.
22	190E	201.024	1990.
23	500SEL	129.066	1989.
26	500SE	140.050	1991.
27	600SEL	140.057	1992.
28	260SE	126.020	1989.
33	500SL	129.066	1991.
35	500SE	126.036	1988.
40	300TE	124.090	1990.
45	190E	201.024	1991.
48	420SEL	126.035	1990.
50	500SE	140.050	1992.
54	300SL	129.006	1992.
56	500E	124.036	1991.
60	500SL	129.006	1992.
63	500SEL	126.037	1991.
64	300CE	124.051	1990.
66	500SEC	126.044	1990.
67	300SE	140.032	1993.
68	300SE	126.024	1990.
69	300SE	140.032	1992.
71	190E	201.028	1992.

VSA No.	Model type	Model ID	Model year
74	230E	124.023	1991.
75	200E	124.019	1993.
83	300CE	124.051	1991.
84	230CE	124.043	1991.
85	S280	140.028	1994.
89	560SEL	126.039	1990.
105	260E	124.026	1992.
109	200E	124.012	1991.
114	300E	124.031	1992.
117	300Ce	124.050	1992.
120	S320	140.033	1994.
121	600SL	129.076	1992.
126	190E	201.018	1992.
127	230E	124.023	1993.
130	600SL	129.076	1992 through 1993.
140	500SL	129.067	1993 through 1995.
141	560SEC	126.045	1990.
3	300GE	463.228	1993.
5	300GE	463.228	1990–1992, 1994.
6	G320		1995.
11	463		1996.

VSP No.	Model type	Model year
	MG	
98	MGB GT Coupe	1972
136	MGB Roadster	1972
	Mitsubishi	
8	Galant VX	1988
13	Galant SUP	1989
	Moto Guzzi	
118	Daytona	1993
	Nissan	
75	Z and 280Z	1973 through 1981
75	Fairlady and Fairlady Z	1975 through 1979
138	Maxima	1989
	Peugeot	
65	405	1989
	Porsche	
56	911 Coupe	1972 through 1989
56	911 Targa	1972 through 1989
56	911 Turbo	1976 through 1989
56	911 Cabriolet	1984 through 1989
56	911 Carrera	1972 through 1989.
58	914	1972 through 1976.
59	924 Coupe	1976 through 1989.
59	924 Turbo Coupe	1979 through 1989.
59	924 S	1987 through 1989.
60	928 Coupe	1976 through 1989.
60	928 S Coupe	1983 through 1989.
60	928 S4	1979 through 1989.
60	928 GT	1979 through 1989.
61	944 Coupe	1982 through 1989.
61	944 Turbo Coupe	1985 through 1989.
61	944 S Coupe	1987 through 1989.
79	All other models except Model 959	1972 through 1989.
29	911 C4	1990.
52	911 Carrera	1992.
97	944	1990.

VSP No.	Model type	Model year
103	Carrera	1994.
116	946	1994.
125	911 Turbo	1992.
	Rolls Royce	
62	Silver Shadow	1972 through 1979.
16	Bentley	1989.
53	Bentley Turbo	1986.
122	Camargue	1984 through 1985.
	Saab	
59	900	1988.
	Sprite	
12	Musketeer Trailer	1980.
	Suzuki Motorcycle	
111	GS850	1985.
	Toyota	
63	Camry	1987 through 1988.
64	Celica	1987 through 1988.
65	Corolla	1987 through 1988.
39	Camry	1989.
101	Landcruiser	1989.
102	Landcruiser	1991.
	Triumph	
108	Spitfire	1973.
	Volkswagen	
42	Scirocco	1986.
73	Golf Rally	1988.
80	Golf	1988.
92	Golf	1993.
	Volvo	
43	262C	1981.
87	740 Sedan	1988.
95	940GL	1993.
	Yamaha	
113	FJ1200	1991.

[FR Doc. 96–4837 Filed 2–29–96; 8:45 am]

BILLING CODE 4910–59–P–M

Surface Transportation Board [1]

[STB Finance Docket No. 32863]

Genesee & Wyoming, Inc.—Continuance in Control Exemption—Illinois & Midland Railroad, Inc.

Genesee & Wyoming, Inc. (GWI), a noncarrier, has filed a verified notice under 49 CFR 1180.2(d)(2) to continue in control of Illinois & Midland Railroad, Inc. (IMR), upon IMR's becoming a class III rail carrier. IMR, a noncarrier, has concurrently filed a notice of exemption in *Illinois & Midland Railroad, Inc.—Acquisition and Operation Exemption—Chicago & Illinois Midland Railway Company,* STB Finance Docket No. 32862, in which IMR seeks to acquire and operate 98

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323.

miles of rail lines of Chicago & Illinois Midland Railway Company (CIMR), in the State of Illinois. IMR also seeks to acquire the interest of CIMR in 25.4 miles of overhead trackage rights in the State of Illinois. The transaction was to have been consummated on or about February 8, 1996.

GWI also controls through stock ownership 9 other nonconnecting class III rail carriers: Genesee & Wyoming Railroad Company; Dansville and Mount Morris Railroad Company; Rochester & Southern Railroad, Inc.; Louisiana & Delta Railroad, Inc.; Buffalo & Pittsburgh Railroad, Inc.; Bradford Industrial Rail, Inc.; Allegheny & Eastern Railroad, Inc.; Willamette & Pacific Railroad, Inc.; and GWI Switching Services.[2]

The transaction is exempt from the prior approval requirements of 49 U.S.C. 11323 [formerly section 11343] because: (1) The railroads will not connect with each other or with any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or with any railroad in their corporate family; and (3) the transaction does not involve a class I carrier.

As a condition to this exemption, any employees adversely affected by the transaction will be protected under *New York Doc Ry.—Control—Brooklyn Eastern Dist.,* 360 I.C.C. 60 (1979).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) [formerly section 10505(d)] may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32863, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.O. Box 796, 213 West Miner St., West Chester, PA 19381–0796.

Decided: February 22, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–4794 Filed 2–29–96; 8:45 am]

BILLING CODE 4915–00–P

[2] Also, GWI has in *Genesee & Wyoming Industries, Inc.—Continuance in Control Exemption—Portland & Western Railroad,* Finance Docket No. 32759, a pending petition for exemption to continue in control of a connecting Class III railroad.

[STB Finance Docket No. 32862]

Illinois & Midland Railroad, Inc.; Acquisition and Operation Exemption; Chicago & Illinois Midland Railway Company

Illinois & Midland Railroad, Inc. (IMR), a noncarrier, has filed a notice of exemption to acquire and operate 98 miles of rail lines of Chicago & Illinois Midland Railway Company (CIMR) extending from milepost 10 at Pekin to milepost 87 at Springfield, and extending from milepost 100 at Cimic to milepost 121 at Taylorville, in the State of Illinois. IMR will also acquire the interest of CIMR in 25.4 miles of overhead trackage rights over: (1) The line of railroad of Peoria & Pekin Union Railway Company extending from milepost 0.0 at Peoria to milepost 10 at Pekin; and (2) the line of railroad of Illinois Central Railroad Company extending from milepost 191.9 at Springfield to milepost 207.3 at Cimic, in the State of Illinois. The transaction was to have been consummated on or about February 8, 1996.

This proceeding is related to *Genesee & Wyoming, Inc.—Continuance in Control Exemption—Illinois & Midland Railroad, Inc.,* STB Finance Docket No. 32863, wherein Genesee & Wyoming, Inc., has concurrently filed a notice of exemption to continue to control IMR upon its becoming a rail carrier.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) [formerly section 10505(d)] may be filed at any time. The filing of a petition to reopen will not automatically stay the transaction. An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32862, must be filed with the Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Ave., N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Eric M. Hocky, Esq., Gollatz, Griffin & Ewing, P.O. Box 796, 213 West Miner St., West Chester, PA 19381–0796.

Decided: February 22, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–4793 Filed 2–29–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 10901.

[STB Finance Docket No. 32858]

Illinois Central Corporation and Illinois Central Railroad Company; Control; CCP Holdings, Inc., Chicago, Central & Pacific Railroad Company and Cedar River Railroad Company

AGENCY: Surface Transportation Board.

ACTION: Notice of acceptance of application.

SUMMARY: The Board accepts for consideration the application filed January 31, 1996, by Illinois Central Corporation (IC Corp.), Illinois Central Railroad Company (ICR), CCP Holdings, Inc. (Holdings), Chicago, Central and Pacific Railroad Company (CCPR), and Cedar River Railroad Company (CRRC) (collectively referred to as applicants) for approval and authorization of IC Corp.'s acquisition of control of CCPR and CRRC through ownership of the stock of Holdings, CCPR/CRRC's parent. IC Corp. already controls ICR through ownership of all of ICR's stock.[2] In accordance with 49 CFR 1180.4(b)(2)(iv), the Board finds that this is a minor transaction as described in 49 CFR 1180.2(c).

DATES: This decision is effective on March 1, 1996. Written comments, including comments from the Secretary of Transportation and the Attorney General of the United States, must be filed with the Board no later than April 1, 1996, and concurrently served on applicants' representatives. The Board will issue a service list shortly thereafter. Comments must be served on all parties of record within 5 days after the Board issues the service list and confirmed by certificate of service filed with the Board indicating that all designated individuals and

[1] The ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (the Act), which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission (ICC) and transferred certain functions to the Surface Transportation Board (Board). This notice relates to a railroad acquisition of control transaction that is subject to Board jurisdiction pursuant to 49 U.S.C. 11323–25.

[2] Where appropriate, IC Corp. and ICR are collectively referred to as IC, and CCPR and CRRC are collectively referred to as CC&P.

organizations on the service list have been properly served. Applicants' reply is due April 22, 1996.[3]

ADDRESSES: Send an original and 10 copies of pleadings referring to STB Finance Docket No. 32858 to: Office of the Secretary, Surface Transportation Board, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, send one copy of all documents to applicants' representatives: (1) William C. Sippel, Two Prudential Plaza, 45th Floor, 180 North Stetson Avenue, Chicago, IL 60601; (2) Myles L. Tobin, 455 North Cityfront Plaza Drive, Chicago, IL 60611–5504; and (3) Byron D. Olsen, 4200 First Bank Place, 601 2nd Avenue South, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927–5610. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By application filed January 31, 1996, Board approval is being sought under 49 U.S.C. 11323–25 (formerly 49 U.S.C. 11343–45) for IC Corp.'s acquisition of control of CCPR and CRRC through ownership of the stock of Holdings.

The applicants recite that their transaction is a ''minor transaction'' subject to the provisions of 49 CFR 1180.2, the regulations that implemented former sections 11343–45. The transaction here specifically is subject to the standards of new section 11324(d), because it does not involve the merger or control of two Class I railroads. Also, as discussed below, because we have determined that the transaction is not of regional or national significance, the procedures set out at new section 11325(d) apply. Section 204(a) of the Act provides that all ICC rules in effect on the date of the enactment of the Act ''shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the Board . . . or operation of law.'' While the standards and procedures of former sections 11343–45 and new sections 11323–25 are substantially similar insofar as minor transactions are concerned, the procedures of new section 11325(d) differ slightly from those contained in the regulations at 49 CFR 1180.4 and, therefore, shall govern. Otherwise, the use of the regulations at 49 CFR Part 1180 for this proceeding appears proper.

Applicant ICR is a Class I railroad operating approximately 2,624 route miles of rail lines in six Midwestern and South Central States. ICR is a wholly owned subsidiary of IC Corp., a noncarrier holding company. ICR controls and operates the Kensington & Eastern Railroad Company and Waterloo Railway Company, applicant carriers that own rail property in the States of Illinois and Mississippi. ICR also owns non-controlling stock interests in several switching and terminal railroads.[4]

Applicant CCPR is a Class II rail carrier that owns and operates approximately 724 miles of rail line between Chicago, IL, on the east and Sioux City, IA, and Council Bluffs, IA/Omaha, NE, on the west. The Chicago-Sioux City/Omaha line was formerly the Iowa Division of IC; CCPR purchased the line from IC and began operations in 1985.

Applicant CRRC is a Class III rail carrier that owns or operates approximately 102 miles of rail lines between Waterloo, IA, and Glenville, MN. CRRC was formed in 1991 as a wholly owned subsidiary of CCPR[5] to acquire the Waterloo-Albert Lea, MN line from the defunct Cedar Valley Railroad Company.

Applicant Holdings is a noncarrier holding company which directly controls CCPR and CRRC. Holdings also controls Iron Horse Properties, Inc. and the Missouri River Bridge Company, both noncarriers. Holdings is controlled by Donald R. Wood, Jr.

IC Corp. proposes to acquire control of CCPR and CRRC through purchase of all of the issued and outstanding common stock of Holdings. Although CCPR and CRRC will be marketed as part of the IC rail system and CCPR's operations will be coordinated with those of ICR, they will remain separate legal entities. IC Corp. has no present plans to merge CCPR or CRRC into IC.

IC proposes to consummate control of CC&P (through IC Corp.'s acquisition of Holdings' stock) as soon as a Board decision approving this application and authorizing the proposed control transaction has become effective.

Applicants state that common control of IC and CC&P will position both rail systems to more effectively serve their customers and compete in the increasingly concentrated rail marketplace which surrounds them. The proposed transaction assertedly will provide shippers and receivers on IC and CC&P with new routing options and more efficient and competitive single-line service. For example, according to applicants, CC&P grain shippers will gain direct, single-line access to long-haul destination markets in the South-Central United States and to export markets through the Gulf ports of New Orleans and Mobile, AL. At the same time, grain receivers on IC will be assured reliable, independent and long-term access to grain from Iowa origins. Coal shippers and receivers on IC's lines will likewise gain access to additional markets via CC&P's lines. Applicants state that all customers will benefit from the improved transit times, better equipment utilization and other operating efficiencies made possible by common control.

Applicants maintain that, in addition to generating benefits for the shipping public, the proposed transaction will strengthen the combined IC/CC&P system and improve both its operating and financial performance. Applicants estimate that common control will attract approximately 11,500 new carloads of traffic annually to the IC/CC&P system and will present significant opportunities to reduce expenses and rationalize operations. Applicants maintain that the proposed transaction will help position IC to remain a competitive, independent and viable carrier amid consolidation and market aggregation in the rail industry.[6]

Applicants submit that the proposed end-to-end combination of IC and CC&P under common control will have no adverse impact on competition. To the contrary, they state that common control of IC and CC&P will enhance competition and provide improved service and routing options for shippers on ICR and CC&P lines. According to applicants, grain shippers on CC&P in particular will benefit from new single-line routes to major grain processing plants on ICR and from competitive single-line rail access to export grain markets via ICR's lines to the ports of New Orleans and Mobile. These shippers will also benefit by having

[3] This procedural schedule comports with the schedule proposed by applicants in their petition for establishment of a procedural schedule, filed concurrently with the application.

[4] IC owns non-controlling stock interests in The Belt Railway Company of Chicago, the Mississippi Export Railroad Company, the Paducah & Illinois Railroad Company, the Peoria & Pekin Union Railway Company and the Terminal Railroad Association of St. Louis.

[5] CRRC is now a wholly owned subsidiary of Holdings and a sister company to CCPR.

[6] In *Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company—Control and Merger—Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company*, Finance Docket No. 32760, applicants in that proceeding have submitted a settlement agreement entered into with IC that, among other things, calls for developing traffic through joint marketing efforts after consummation of the UP/SP merger if it is approved. *See* applicants' submission of settlement agreements with Utah Railway and Illinois Central, UP/SP–74, filed February 2, 1996, in Finance Docket No. 32760.

access to ICR's fleet of over 4,000 covered hopper cars. Applicants also state that grain receivers on ICR, including grain processors in Illinois, Tennessee, Mississippi, Louisiana and Alabama will benefit from reliable, long-term, independent access to Iowa grain.

In addition to grain shippers and receivers, applicants submit that the combination of CC&P and IC into a single system will open new single-line routes for shippers of Illinois Basin coal from ICR origins in Illinois to destinations on CC&P's lines and new marketing opportunities for intermodal shippers.

Applicants maintain that shippers on both railroads will benefit from improved car supply from access to the larger car fleet of the combined system, and from faster transit times and improved operating efficiency. They state that no customer will lose rail service as a result of the transaction. Indeed, they claim that a combined IC/CC&P system will be stronger, financially and operationally, than either carrier could be separately, and thus will be better able to compete with other railroads, motor carriers and barges in providing effective and efficient service to the shipping public.

According to applicants, common control will have no adverse impact on the continuation of essential transportation services by IC, CC&P or any other carrier. Diversions of traffic from other rail carriers will be minimal. Furthermore, they state that the transaction will assure the preservation and continued viability of CC&P's lines.

Applicants do not anticipate that any existing ICR employees will be adversely affected by the proposed control transaction. All of CCPR's non-management employees and CRRC's maintenance-of-way employees are represented by national unions and covered under existing collective bargaining agreements. According to applicants, these agreements will remain in force, modified as necessary to achieve the efficiency benefits of the proposed transaction, after consummation of control. Some work currently performed by CC&P employees will be transferred to IC locations.

As a result of the proposed transaction, applicants anticipate that a total of 57 positions subject to collective bargaining will be eliminated in the first year of common control. No labor impacts are anticipated in the second and third years after consummation.

In addition, five CC&P dispatchers currently located in Waterloo will be transferred to IC's dispatching center in Homewood, IL, as a result of the consolidation of dispatching functions at the latter facility. Some CC&P maintenance-of-way positions will be eliminated by introduction of modern mechanized track maintenance procedures on CC&P's lines. However, all maintenance work on CC&P lines will continue to be performed by CC&P employees.

The applicable level of labor protection for the control transaction proposed herein is that set forth in *New York Dock Ry.—Control—Brooklyn Eastern Term. Dist.*, 360 I.C.C. 60 (1979). No employee protection agreements have been reached as of the date of the application. IC anticipates offering transfer or a severance package to employees whose positions are eliminated as a result of IC's acquisition of control of CC&P.

Under 49 CFR 1180, we must determine whether a proposed transaction is a major, significant, or minor transaction. The proposed transaction, which does not involve the merger or control of two or more Class I railroads and which will reunite under common control rail lines that were previously operated by IC as a single system, has no regional or national significance and will not have any anticompetitive effects. Accordingly, we find the proposal to be a minor transaction under 49 CFR 1180.2(c), consistent with the categories of transactions now defined at 49 U.S.C. 11325(a). Because the application substantially complies with the regulations governing minor transactions, we are accepting it for consideration.

The application and exhibits are available for inspection in the Public Docket Room at the Offices of the Surface Transportation Board in Washington, DC. In addition, they may be obtained upon request from applicants' representatives named above.

Interested persons, including government entities, may participate in this proceeding by submitting written comments. Any person who files timely comments will be considered a party of record if the person so requests. No petition for leave to intervene need be filed.

Consistent with 49 CFR 1180.4(d)(1)(iii), written comments must contain:

(a) The docket number and title of the proceeding;

(b) The name, address, and telephone number of the commenting party and its representative upon whom service shall me made;

(c) The commenting party's position, i.e., whether it supports or opposes the proposed transaction;

(d) A statement whether the commenting party intends to participate formally in the proceeding, or merely comment on the proposal;

(e) If desired, a request for an oral hearing with reasons supporting this request; the request must indicate the disputed material facts that can be resolved only at a hearing; and

(f) A list of all information sought to be discovered from applicant carriers.

Because we have determined that this proposal is a minor transaction, no responsive applications will be permitted. Except as noted above, the time limits for processing a minor transaction, set forth at 49 U.S.C. 11325(d), govern.

Discovery may begin immediately. We admonish the parties to resolve all discovery matters expeditiously and amicably.

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

It is ordered:

1. This application is accepted for consideration under 49 U.S.C. 11323–25 as a minor transaction under 49 CFR 1180.2(c).

2. The parties shall comply with all provisions stated above.

3. This decision is effective on March 1, 1996.

Decided: February 23, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 96–4795 Filed 2–29–96; 8:45 am]

BILLING CODE 4915–00–P

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Agayuliyararput (Our Way of Making Prayer): The Living Tradition of Yup' ik

Masks'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Anchorage Museum of History and Art, Anchorage, Alaska from on or about May 9, 1996 to on or about October 29, 1996, is in the national interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: February 27, 1996.

Les Jin,

General Counsel.

[FR Doc. 96–4844 Filed 2–29–96; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning, Assistant General Counsel, at 202 619–5997, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547–0001.

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Marc Chagall 1907–1917'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at The Jewish Museum, New York, NY, on or about March 31, 1996 through August 30, 1996, is in the national interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: February 27, 1996.

Les Jin,

General Counsel.

[FR Doc. 96–4845 Filed 2–29–96; 8:45 am]

BILLING CODE 8230–01–M

[1] A Copy of this list may be obtained by contacting Mr. Paul W. Manning, Assistant General Counsel, at 202/619–5997, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547–0001.

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 F.R. 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 F.R. 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, ''Picasso and Potraiture: Representation and Transformation'' (See list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at The Museum of Modern Art, New York, NY, from on or about April 24, 1996, to on or about September 17, 1996, is in the national interest. Public Notice of this determination is ordered to be published in the Federal Register.

Dated: February 27, 1996.

Les Jin,

General Counsel.

[FR Doc. 96–4843 Filed 2–29–96; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Ms. Jacqueline H. Caldwell, Assistant General Counsel, at 202/619–6982, and the address is Room 700, U.S. Information Agency, 301 Fourth Street, S.W., Washington, D.C. 20547–0001.

Culturally Significant Objects Imported for Exhibition; Determination

On February 2, 1996, notice was published at page 3964 of the Federal Register [61 FR 3964] by the United States Information Agency pursuant to the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459) relating to objects being imported by the Yeshiva University Museum for an exhibit entitled ''Sacred Realm: The Emergence of the Synagogue in the Ancient World.'' Since that notice was published, the Yeshiva University Museum has decided to add an additional object to the proposed exhibit, namely a certain seven-armed marble chandelier from the 3rd century.[1] I hereby determine that the chandelier to be added to the exhibit, imported fro abroad for the temporary exhibition without profit within the United States, is of cultural significance. The object will be imported pursuant to a loan agreement with the foreign lender. I also determine that the temporary exhibition or display of the additional object at Yeshiva University Museum, New York, New York, from on or about March 1, 1996, to on or about February 28, 1997, is in the national interest.

Public notice of this determination is ordered to be published in the Federal Register.

Dated: February 27, 1996.

Les Jin,

General Counsel.

[FR Doc. 96–4842 Filed 2–27–96; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of the complete list of objects may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619–5997, and the address is Room 700, United States Information Agency, 301 4th Street SW., Washington, DC 20547.

federal register

Friday
March 1, 1996

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Federal Property Suitable as Facilities to Assist the Homeless; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. FR–3778–N–74]

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 Property Management, Program Support Center, HHS, room 5B–41, 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. Air Force: Ms. Barbara Jenkins, Air Force Real Estate Agency (Area–MI), Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; Navy: Mr. John J. Kane, Deputy Division Director, Department of the Navy, Real Estate Operations, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–0474; (These are not toll-free numbers).

Dated: February 22, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/01/96

Suitable/Available Properties

Buildings (by State)

Arizona

Facility #18
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510024
Status: Excess
Comment: 5925 sq. ft., 1 story, good condition, off-site removal only, most recent use—storage.

Facility #21
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510025
Status: Excess
Comment: 2500 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—child care.

Facility #22
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510026
Status: Excess
Comment: 13752 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—gymnasium.

Facility #23
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510027
Status: Excess
Comment: 485 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility #27
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510028
Status: Excess
Comment: 3252 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—base chapel.

Facility #29
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510029
Status: Excess
Comment: 85 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility #31

Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510030
Status: Excess
Comment: 2720 sq. ft., steel frame, 1 story, good condition, off-site removal only, most recent use—sales store.

Facility #32
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510031
Status: Excess
Comment: 1200 sq. ft., wood frame, 1 story, good condition, off-site removal only, most recent use—hobby shop.

Facility #34
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510032
Status: Excess
Comment: 1937 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—bath house.

Facility #35
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510033
Status: Excess
Comment: 7685 sq. ft., concrete block frame, 1 story, good condition, off-site removal only, most recent use—open mess.

Facility #37
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510034
Status: Excess
Comment: 21295 sq. ft., wood frame, 2 story, good condition, off-site removal only, most recent use—dormitory/multi-purpose.

Facility #38
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510035
Status: Excess
Comment: 4115 sq. ft., metal frame, good condition, 1 story, off-site removal only, most recent use—commissary.

38 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510036
Status: Excess
Comment: 1170 sq. ft. ea., 1 story relocatable framed residences, good condition, secured area w/alternate access.

26 Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510037
Status: Excess
Comment: 1456 sq. ft. ea., 1 story slump block frame residences, off-site removal only, good condition.

Facility #510
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510038
Status: Excess
Comment: 373 sq. ft. slump blocks frame, 1 story, good condition, off-site removal only, most recent use—storage.

18 Detached Garages
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 630, 640, 670, 680, 710, 720, 740, 760, 790, 800, 820, 840, 870, 880, 910, 920, 950, 960 on Milan Loop
Landholding Agency: Air Force
Property Number: 189510039
Status: Excess
Comment: 186 sq. ft. ea., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility #1004
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510040
Status: Excess
Comment: 1734 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residence.

Facility #1010
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510041
Status: Excess
Comment: 4155 sq. ft., quonset hut frame, good condition, off-site removal only, most recent use—theater.

Facility # 4140
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510042
Status: Excess
Comment: 3584 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—bowling center.

Facility # 4520
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510043
Status: Excess
Comment: 7800 sq. ft., prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory.

Facility # 4252
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Landholding Agency: Air Force
Property Number: 189510044
Status: Excess
Comment: 144 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—storage.

10 Duplex Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 2334, 2335, 2340, 2343, 2344, 2348, 2351, 2352, 2356, 2360 on Conrad Circle
Landholding Agency: Air Force
Property Number: 189510045
Status: Excess
Comment: 3176 sq. ft., slump blocks frame, 1 story, good condition, off-site removal, most recent use—residences.

4—Fourplex Family Housing
Gila Bend AF Auxiliary Field
Gila Bend Co: Maricopa AZ 86025–
Location: Inc. bldgs. 2337, 2339, 2347, 2355 on Conrad Circle
Landholding Agency: Air Force
Property Number: 189510046
Status: Excess
Comment: 4728 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residences.

California

Bldg. 604
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010237
Status: Unutilized
Comment: 1232 sq ft.; stucco-wood frame; most recent use—housing.

Bldg. 605
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010238
Status: Unutilized
Comment: 1232 sq ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010239
Status: Unutilized
Comment: 1232 sq ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010240
Status: Unutilized
Comment: 1232 sq ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010241
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010242
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010243
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010244
Status: Unutilized

Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010245
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Point Arena Air Force Station Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010246
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing; needs rehab.

Florida

Bldg. 244
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520001
Status: Excess
Comment: 6239 sq. ft.; masonry frame, needs rehab, secured area w/alternate access, most recent use—commissary.

Bldg. 242
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520002
Status: Excess
Comment: 8554 sq. ft.; steel frame module, secured area w/alternate access, most recent use—exchange branch.

Bldg. 427
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520003
Status: Excess
Comment: 5258 sq. ft.; metal & masonry frame, secured area w/alternate access, most recent use—bowling center.

Guam

Anderson VOR
In the municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1 and Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010267
Status: Unutilized
Comment: 550 sq. ft.; 1 story perm/concrete; on 226 acres.

Anderson Radio Beacon Annex
In the municipality Dededo
Dededo Co: Guam GU 96912–
Location: Approximately 7.2 miles southwest of Anderson AFB proper; access is from Route 3, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010268
Status: Unutilized
Comment: 480 sq. ft.; 1 story perm/concrete; on 25 acres; most recent use—radio beacon facility.

Annex No. 4
Anderson Family Housing
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Access is through Route 1, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010545
Status: Unutilized
Comment: various sq. ft.; 1 story frame/modified quonset; on 376 acres; portions of building and land leased to Government of Guam

Harmon VORsite (Portion) (AJKZ)
Municipality of Dededo
Dededo Co: Guam GU 96912–
Location: Approx. 12 miles southwest of Anderson AFB proper.
Landholding Agency: Air Force
Property Number: 189120234
Status: Unutilized
Comment: 550 sq. ft. bldg., needs rehab on 82 acres.

Hawaii

Bldg. S87, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240011
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 466, Radio Trans. Fac.
Lualualei, Naval Station, Eastern Pacific
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779240012
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab, most recent use—gas station, off-site use only.

Bldg. T33, Radio Trans. Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310003
Status: Unutilized
Comment: 1536 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Bldg. 64, Radio Trans. Facility
Naval Computer & Telecommunications Area
Wahiawa Co: Honolulu HI 96786–3050
Landholding Agency: Navy
Property Number: 779310004
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access restrictions, needs rehab, most recent use—storage, off-site use only.

Idaho

Bldg. 121
Mountain Home Air Force Base
Main Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030007
Status: Excess
Comment: 3375 sq. ft., 1 story wood frame; potential utilities; needs rehab; presence of asbestos; building is set on piers; most recent use—medical administration, veterinary services.

Bldg. 611
Mountain Home Air Force Base
Mountain Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189440016
Status: Underutilized
Comment: 3200 sq. ft., 1 story wood frame, needs repair, presence of lead base paint and asbestos, most recent use—base chapel.

Bldg. 2201
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189520005
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame, most recent use—temporary garage for base fire dept. vehicles, presence of lead paint and asbestos shingles.

Iowa

Bldg. 00627
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310001
Status: Unutilized
Comment: 1932 sq. ft., 1-story concrete block bldg., most recent use—storage, pigeon infested, contamination investigation in progress.

Bldg. 00669
Sioux Gateway Airport
Sioux City Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310002
Status: Unutilized
Comment: 1113 sq. ft., 1 story concrete block bldg., contamination clean-up in process.

Louisiana

Barksdale Radio Beacon Annex
Curtis Co: Bossier LA 71111–
Location: 7 miles south of Bossier City on highway 71 south; left 1¼ miles on highway C1552.
Landholding Agency: Air Force
Property Number: 189010269
Status: Unutilized
Comment: 360 sq. ft., 1 story wood/concrete; on 11.25 acres.

Maine

Naval Air Station
Transmitter Site
Old Bath Road
Brunswick Co: Cumberland ME 04053–
Landholding Agency: Navy
Property Number: 779010110
Status: Underutilized
Comment: 7,270 sq. ft., 1 story bldg, most recent use—storage, structural deficiencies.

Bldg. 373, Topsham Annex
Naval Air Station
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320024
Status: Excess
Comment: 1300 sq. ft., 1 story, most recent use—public works maintenance shop, on 2.55 acres.

Michigan

Bldg. 30
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010779
Status: Excess
Comment: 2593 sq. ft.; 1 floor; concrete block; possible asbestos; potential utilities; most recent use—communications transmitter building.

Bldg. 46
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010786
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—visiting personnel housing.

Bldg. 51
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010791
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 52
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010792
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 53
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010793
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 54
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010794
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos

Bldg. 55
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010795
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 56
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010796
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos

Bldg. 57
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010797
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 58
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010798
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 59
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010799
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 60
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010800
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 61
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010801
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 62
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010802
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 63
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010803
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 64
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010804
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 65
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010805
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 66
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010806
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 67
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913—
Landholding Agency: Air Force
Property Number: 189010807
Status: Excess
Comment: 1306 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 68
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010808
Status: Excess
Comment: 1478 sq. ft.; 1 story wood frame residence with garage; possible asbestos.

Bldg. 70
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010809
Status: Excess
Comment: 1394 sq. ft.; 1 story concrete block; possible asbestos; most recent use—youth center

Bldg. 72
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010811
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 73
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010812
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 74
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010813
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 75
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010814
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 76
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010815
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 77
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010816
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 78
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010817

Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 79
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010818
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 80
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010819
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 81
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010820
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 82
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010821
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 83
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010822
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 84
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010823
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; possible utilities; possible asbestos.

Bldg. 85
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010824
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 86
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010825
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 87
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010826
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 88
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010827
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 89
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010828
Status: Excess
Comment: 1168 sq. ft.; 1 story wood frame residence; potential utilities; possible asbestos.

Bldg. 97
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010829
Status: Excess
Comment: 171 sq. ft.; 1 floor; potential utilities; most recent use—pump house.

Bldg. 98
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010830
Status: Excess
Comment: 114 sq. ft., 1 floor; potential utilities; most recent use—pump house.

Bldg. 10
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010836
Status: Excess
Comment: 1056 sq. ft., 1 story wood frame residence.

Bldg. 216
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010847
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 217
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010848
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 218
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010849
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 219
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010850
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 220
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010851
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 221
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010852
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 222
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010853
Status: Excess
Comment: 780 sq. ft., 1 story wood frame housing garage.

Bldg. 223
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010854
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 224
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010855
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 215
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010856
Status: Excess
Comment: 390 sq. ft.; 1 story wood frame housing garage.

Bldg. 212
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010859
Status: Excess
Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 214
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010861
Status: Excess

Comment: 780 sq. ft.; 1 story wood frame housing garage.

Bldg. 23
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010865
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 24
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010866
Status: Excess
Comment: 44 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 36
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010872
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 37
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010873
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 201
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010879
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Montana

Bldg. — Conrad Training Site
15 miles east of the City of Conrad Co: Pondera MT 59425–
Landholding Agency: Air Force
Property Number: 189420025
Status: Unutilized
Comment: 7000 sq. ft., 1-story brick, most recent use—technical training site.

Bldg. 1807, Malstrom AFB
Malstrom Communications Annex
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510023
Status: Excess
Comment: 1966 sq. ft., 1-story masonry block bldg. on 22 acres, limited utilities, roof needs replacement.

Facility #1
Havre Training Site Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189530047
Status: Excess
Comment: 6843 sq. ft., 1-story brick frame, good condition, most recent use—technical training site.

New Hampshire

Naval & Marine Corp. Rsv. Ctr.
199 North Main St.
Manchester NH 03102–
Landholding Agency: Navy
Property Number: 779530005
Status: Excess
Comment: 3 bldgs. on 2.53 acres of land, limited utilities, limited use prior to environmental cleanup.

Pennsylvania

Naval Reserve Center
Dalton Ave. & Mayfair St.
McKeesport Co: Allegheny PA 15132–
Landholding Agency: Navy
Property Number: 779520034
Status: Excess
Comment: 3 interconnected quonset huts, need rehab, possible lead paint, lease restrictions, off-site removal only.

South Dakota

West Communications Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340051
Status: Unutilized
Comment: 2 bldgs. on 2.37 acres, remote area, lacks infrastructure, road hazardous during winter storms, most recent use—industrial storage.

Land (by State)

California

60 ARG/DE
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB Co: Solano CA 94535–5496
Location: State Highway 113
Landholding Agency: Air Force
Property Number: 189010189
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Georgia

Naval Submarine Base
Grid R–2 to R–3 to V–4 to V–1
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010229
Status: Underutilized
Comment: 111.57 acres; areas may be environmentally protected; secured area with alternate access.

Guam

Annex 1
Andersen Communication
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010427
Status: Underutilized
Comment: 862 acres; subject to utilities easements.

Annex 2, (Partial)
Andersen Petroleum Storage
Dededo Co: Guam GU 96912–
Location: In the municipality of Dededo.
Landholding Agency: Air Force
Property Number: 189010428
Status: Underutilized
Comment: 35 acres, subject to utilities easements.

Michigan

Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010862
Status: Excess
Comment: 34 acres; potential utilities.

Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010863
Status: Excess
Comment: 3.78 acres; potential utilities.

Texas

Peary Point #2
Naval Air Station
Corpus Christi Co: Nueces TX 78419–5000
Landholding Agency: Navy
Property Number: 779030001
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA Number: 7–N–TX–402–V.

Suitable/Unavailable Properties

Buildings (by State)

California

Hawes Site (KHGM)
March AFB
Hinckley Co: San Bernardino CA 92402–
Landholding Agency: Air Force
Property Number: 189010084
Status: Unutilized
Comment: 9290 sq. ft., 2 story concrete, most recent use-radio relay station, possible asbestos, land belongs to Bureau of Land Management, potential utilities.

Idaho

Bldg. 516
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 86348–
Landholding Agency: Air Force
Property Number: 189520004
Status: Excess
Comment: 4928 sq. ft., 1 story wood frame, presence of lead paint and asbestos, most recent use—offices.

Maine

Bldg. 376, Naval Air Station
Topsham Annex
Topsham Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779320011
Status: Unutilized
Comment: 4530 sq. ft., 2-story, most recent use—quarters, needs rehab.

Maryland

Bldg. 230
Naval Communication Detachment
9190 Commo Road
Cheltenham Co: Prince George MD 20397–5520
Landholding Agency: Navy
Property Number: 779330010
Status: Unutilized
Comment: 12,384 sq. ft., 4-story, needs rehab, potential utilities, includes 37 acres of land.

Michigan

Bldg. 20
Calumet Air Force Station

Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010775
Status: Excess
Comment: 13404 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—warehouse/supply facility.

Bldg. 21
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010776
Status: Excess
Comment: 2146 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—storage.

Bldg. 22
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010777
Status: Excess
Comment: 1546 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 28
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010778
Status: Excess
Comment: 1000 sq. ft.; 1 floor; possible asbestos; potential utilities; most recent use—maintenance facility.

Bldg. 40
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010780
Status: Excess
Comment: 2069 sq. ft.; 2 floors; concrete block; possible asbestos; potential utilities; most recent use—administrative facility.

Bldg. 41
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010781
Status: Excess
Comment: 2069 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 42
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010782
Status: Excess
Comment: 4017 sq. ft.; 1 floor; concrete block; potential utilities; possible asbestos; most recent use—dining hall.

Bldg. 43
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010783
Status: Excess
Comment: 3674 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—dormitory.

Bldg. 44
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010784
Status: Excess
Comment: 7216 sq. ft.; 2 story; concrete block; possible asbestos; potential utilities; most recent use—dormitory.

Bldg. 45
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010785
Status: Excess
Comment: 6070 sq. ft.; 2 story; concrete block; potential utilities; possible asbestos; most recent use—administrative facility.

Bldg. 47
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010787
Status: Excess
Comment: 83 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 48
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010788
Status: Excess
Comment: 96 sq. ft.; 1 story; concrete block; potential utilities; most recent use—storage.

Bldg. 49
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010789
Status: Excess
Comment: 1944 sq. ft.; 1 story; concrete block; potential utilities; most recent use—dormitory.

Bldg. 50
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010790
Status: Excess
Comment: 6171 sq. ft.; 1 story; concrete block; potential utilities; possible asbestos; most recent use—Fire Department vehicle parking building.

Bldg. 14
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010833
Status: Excess
Comment: 6751 sq. ft.; 1 floor concrete block; possible asbestos; most recent use—gymnasium.

Bldg. 16
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010834
Status: Excess
Comment: 3000 sq. ft.; 1 floor concrete block; most recent use—commissary facility.

Bldg. 9
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010835
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.

Bldg. 11
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010837
Status: Excess
Comment: 1056 sq. ft.; 1 floor wood frame residence.

Bldg. 12
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010838
Status: Excess
Comment: 1056 sq. ft.; 1 story wood frame residence.

Bldg. 13
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010839
Status: Excess
Comment: 1056 sq. ft., 1 story wood frame residence.

Bldg. 5
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010840
Status: Excess
Comment: 864 sq. ft., 1 floor wood frame residence; possible asbestos.

Bldg. 6
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010841
Status: Excess
Comment: 864 sq. ft., 1 floor wood frame residence; possible asbestos.

Bldg. 7
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010842
Status: Excess
Comment: 864 sq. ft., 1 floor wood frame residence; possible asbestos.

Bldg. 8
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010843
Status: Excess
Comment: 864 sq. ft., 1 floor wood frame residence; possible asbestos.

Bldg. 4
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010844
Status: Excess
Comment: 2340 sq. ft., 1 floor concrete block; most recent use—heating facility.

Bldg. 3
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010845
Status: Excess

Comment: 5314 sq. ft., 1 floor concrete block; possible asbestos; most recent use—maintenance shop and office.

Bldg. 1
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010846
Status: Excess
Comment: 4528 sq. ft., 1 floor concrete block; possible asbestos; most recent use—office.

Bldg. 158
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010857
Status: Excess
Comment: 3603 sq. ft., 1 story concrete/steel; possible asbestos; most recent use—electrical power station.

Bldg. 15
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010864
Status: Excess
Comment: 538 sq. ft., 1 floor; concrete/wood structure; potential utilities; most recent use—gymnasium facility.

Bldg. 31
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010867
Status: Excess
Comment: 36 sq. ft.; 1 story; metal frame; prior use—storage of fire hoses.

Bldg. 32
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010868
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 33
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010869
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 34
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010870
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hoses.

Bldg. 35
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010871
Status: Excess
Comment: 36 sq. ft.; 1 story metal frame; prior use—storage of fire hose.

Bldg. 39
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010874
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 202
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010880
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 203
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010881
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 204
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010882
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 205
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010883
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 206
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010884
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 207
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010885
Status: Excess
Comment: 25 sq. ft.; 1 floor metal frame; prior use—storage of fire hoses.

Bldg. 153
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010886
Status: Excess
Comment: 4314 sq. ft.; 2 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 154
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010887
Status: Excess
Comment: 8960 sq. ft.; 4 story concrete block facility; (radar tower bldg.) potential use—storage.

Bldg. 157
Calumet Air Force Station
Calumet Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010888
Status: Excess
Comment: 3744 sq. ft.; 1 story concrete/steel facility; (radar tower bldg.); potential use—storage.

Missouri

Jefferson Barracks ANG Base
Missouri National Guard
1 Grant Road
St. Louis Co: St. Louis MO 63125–4118
Landholding Agency: Air Force
Property Number: 189010081
Status: Underutilized
Comment: 20 acres; portion near flammable materials; portion on archaeological site; special fencing required.

Montana

Bldg. 00007
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330066
Status: Unutilized
Comment: 992 sq. ft., 1-story metal, most recent use—auto/hobby shop.

Bldg. 00008
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330067
Status: Unutilized
Comment: 2640 sq. ft., 1-story metal, most recent use—vehicle parking.

Bldg. 00016
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330068
Status: Unutilized
Comment: 3640 sq. ft., 1-story cinder block, most recent use—storage.

Bldg. 00023
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330069
Status: Unutilized
Comment: 3315 sq. ft., 1-story wood, most recent use—fire station.

Bldg. 00024
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330070
Status: Unutilized
Comment: 5016 sq. ft., 1-story brick, most recent use—dormitory.

Bldg. 00027
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330071
Status: Unutilized
Comment: 14280 sq. ft., 1-story cinder block, most recent use—recreation center and commissary store.

Bldg. 00029
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330072
Status: Unutilized
Comment: 63 sq. ft., 1-story metal.

Bldg. 00031
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330073
Status: Unutilized
Comment: 3130 sq. ft., 1-story cinder block, most recent use—maintenance shop and admin.

Bldg. 00032
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330074
Status: Unutilized
Comment: 64 sq. ft., metal, most recent use—storage.

Bldg. 00035
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330075
Status: Unutilized
Comment: 2252 sq. ft., 4-story metal, most recent use—storage.

Bldg. 00039
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330076
Status: Unutilized
Comment: 21824 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00040
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330077
Status: Unutilized
Comment: 874 sq. ft., 1-story masonry, most recent use—storage.

Bldg. 00041
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330078
Status: Unutilized
Comment: 108 sq. ft., 1-story masonry.

Bldg. 00042
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330079
Status: Unutilized
Comment: 760 sq. ft., 1-story masonry, most recent use—warehouse.

Bldg. 00044
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330080
Status: Unutilized
Comment: 3298 sq. ft., 1-story metal, most recent use—wood hobby shop.

Bldgs. 51, 52, 56, 58
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330081
Status: Unutilized
Comment: 1352 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 53–55, 57, 59, 61, 63, 65, 67, 69, 71
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330082
Status: Unutilized
Comment: 1152 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 60, 62, 64, 66, 68
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330083
Status: Unutilized
Comment: 1361 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 70, 72, 74, 78
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330084
Status: Unutilized
Comment: 1455 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 76, 80
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330085
Status: Unutilized
Comment: 1343 sq. ft. each, 1-story wood, most recent use—residential.

Bldg. 82
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330086
Status: Unutilized
Comment: 1553 sq. ft., 1-story wood, most recent use—residential.

Bldgs. 150, 152, 154, 156, 158, 160, 162, 164, 168, 170, 172, 174, 176, 178, 180, 182, 184
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330087
Status: Unutilized
Comment: 1247 sq. ft. each, 1-story wood, most recent use—residential.

Bldgs. 106–109, 112–113
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330088
Status: Unutilized
Comment: 36 sq. ft. each, most recent use—fire hose house.

Bldgs. 202, 204, 206, 212, 214, 216, 218
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330089
Status: Unutilized
Comment: 72 sq. ft. each, most recent use—storage units.

Bldgs. 208, 210
Havre Air Force Station Co: Hill MT 59501–
Landholding Agency: Air Force
Property Number: 189330090
Status: Unutilized
Comment: 36 sq. ft. each, most recent use—storage.

New Hampshire

Bldg. 127
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320057
Status: Excess
Comment: 698 sq. ft., 1-story, concrete and metal frame, possible asbestos, access restrictions, most recent use—storage.

Ohio

Naval & Marine Corps Res. Cntr
315 East LaClede Avenue
Youngstown OH
Landholding Agency: Navy
Property Number: 779320012
Status: Unutilized
Comment: 3067 sq. ft. 2 story, possible asbestos.

Puerto Rico

Bldgs. 501 & 502
U.S. Naval Radio Transmitter Facility
State Road No. 2
Juana Diaz PR 00795–
Landholding Agency: Navy
Property Number: 779530007
Status: Unutilized
Comment: Reinforced concrete structures, limited access, needs rehab, most recent use—transmitter and power house.

Texas

Bldg. 696
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110091
Status: Unutilized
Comment: 1344 sq. ft.; possible asbestos; most recent use—auto hobby shop; needs rehab.

Bldg. 697
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110092
Status: Unutilized
Comment: 770 sq. ft.; possible asbestos; most recent use—supply store; needs rehab.

Bldg. 698
Brooks Air Force Base
San Antonio Co: Bexar TX 78235–
Landholding Agency: Air Force
Property Number: 189110093
Status: Unutilized
Comment: 5815 sq. ft.; 1 story corrugated iron; possible asbestos; needs rehab; most recent use—recreation, workshop.

Bldg. 2435
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010161
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2436
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010162
Status: Underutilized
Comment: 3352 sq. ft.; 1 story residence.

Bldg. 2460
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010163
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2462
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010164
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2464
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010165
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2466
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–

Landholding Agency: Navy
Property Number: 779010166
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2467
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010167
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2468
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010168
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2472
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010169
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2476
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010170
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2482
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010171
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2495
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010172
Status: Underutilized
Comment: 1760 sq. ft.; 1 story residence.

Bldg. 2514
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010173
Status: Underutilized
Comment: 1730 sq. ft.; 1 story residence.

Bldg. 2518
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010174
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2520
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010175
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2522
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010176
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2526
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010177
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2423
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010178
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2427
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010179
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2431
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010180
Status: Underutilized
Comment: 3532 sq. ft.; 1 story residence.

Bldg. 2424
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010181
Status: Underutilized
Comment 3352 sq. ft.; 1 story residence.

Bldg. 2433
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010182
Status: Underutilized
Comment 3352 sq. ft.; 1 story residence.

Bldg. 2428
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010183
Status: Underutilized
Comment 3352 sq. ft.; 1 story residence.

Bldg. 2429
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010184
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2454
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010185
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2477
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010186
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2485
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010187
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2499
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010188
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2503
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010189
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2507
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010190
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2513
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010191
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2521
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010192
Status: Underutilized
Comment 3152 sq. ft.; 1 story residence.

Bldg. 2451
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010193
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2458
Laguna Housing Area

NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010194
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2461
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010195
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2473
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010196
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2478
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010197
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2480
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010198
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2484
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010199
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2486
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010200
Status: Underutilized
Comment 1758 sq. ft.; 1 story residence.

Bldg. 2487
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010201
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2488
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010202
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2494
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010203
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2500
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010204
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2502
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010205
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2506
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010206
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2508
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010207
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2525
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010208
Status: Underutilized
Comment: 1758 sq. ft.; 1 story residence.

Bldg. 2452
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010209
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2475
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010210
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2479
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010211
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2497
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010212
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2501
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010213
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2505
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010214
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2515
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010215
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2517
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010216
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2519
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010217
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2523
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010218
Status: Underutilized
Comment: 3356 sq. ft.; 1 story residence.

Bldg. 2465
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010219
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2493
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010220
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2510
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010221
Status: Underutilized
Comment: 1576 sq. ft.; 1 story residence.

Bldg. 2474
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010222
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2481
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010223
Status: Underutilized
Comment: 3528 sq. ft.; 1 story residence.

Bldg. 2509
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010224
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2511
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010225
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2512
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010226
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Bldg. 2527
Laguna Housing Area
NAS Corpus Christi
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010227
Status: Underutilized
Comment: 1676 sq. ft.; 1 story residence.

Virginia

Naval Medical Clinic
6500 Hampton Blvd.
Norfolk Co: Norfolk VA 23508–
Landholding Agency: Navy
Property Number: 779010109
Status: Unutilized
Comment: 3665 sq. ft., 1 story, possible asbestos, most recent use—laundry.

West Virginia

Naval & Marine Corps Res. Ctr.
N. 13th St & Ohio River
Wheeling Co: Ohio WV 26003–
Landholding Agency: Navy
Property Number: 779010077
Status: Excess
Comment: 32000 sq. ft.; 1 floor; most recent use—offices; 15% of total space occupied; needs rehab; land leased from city—expires September 1990.

Land (by State)

California

Camp Kohler Annex
McClellan AFB
Sacramento Co: Sacramento CA 95652–5000
Landholding Agency: Air Force
Property Number: 189010045
Status: Excess
Comment: 35.30 acres + .11 acres easement; 30 + acres undeveloped; potential utilities; secured area; alternate access.

Norton Com. Facility Annex
Norton AFB
Sixth and Central Streets
Highland Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010194
Status: Excess
Comment: 30.3 acres; most recent use—recreational area; portion subject to easements.

Florida

Woodland Tract
Elgin AFB, AF Enlisted Widows' Home
Ft. Walton Beach Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540020
Status: Unutilized
Comment: 3.43 acres, easement.

Naval Public Works Center
Naval Air Station
Pensacola Co: Escambia FL 32508–
Location: Southeast corner of Corey station—next to family housing.
Landholding Agency: Navy
Property Number: 779010157
Status: Unutilized
Comment: 22 acres.

Georgia

Naval Submarine Base
Grid AA–1 to AA–4 to EE–7 to FF–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010255
Status: Underutilized
Comment: 495 acres, 86 acre portion located in floodway; secured area with alternate access.

Virgin Islands

Ham's Bluff Test Site
Freddriksted Co: St. Croix VI 00840–
Landholding Agency: Navy
Property Number: 779530006
Status: Unutilized
Comment: 22.5 acres, bldg. construction underway, secured area w/alternate access, property reverts to transportation when Navy vacates.

Virginia

Naval Base
Norfolk Co: Norfolk VA 23508–
Location: Northeast corner of base, near Willoughby housing area.
Landholding Agency: Navy
Property Number: 779010156
Status: Unutilized
Comment: 60 acres; most recent use—sandpit; secured area with alternate access.

Suitable/To Be Excessed

Buildings (by State)

California

Bldg. 100
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010259
Status: Unutilized
Comment: 2628 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; use—office space.

Bldg. 102
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010260
Status: Unutilized
Comment: 580 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—office.

Bldg. 103
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010261
Status: Unutilized
Comment: 3675 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—dinning hall.

Bldg. 109
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010262
Status: Unutilized
Comment: 1045 sq. ft.; 2 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—barracks.

Bldg. 110
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010263
Status: Unutilized
Comment: 4439 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—shop.

Bldg. 113
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010264
Status: Unutilized
Comment: 100 sq. ft.; 1 story permanent bldg; secured facility with alternate access; most recent use—storage.

Bldg. 138
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010265
Status: Unutilized
Comment: 110 sq. ft.; 1 story permanent bldg; possible asbestos; secure facility with alternate access; most recent use—filling station.

Bldg. 144
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010266
Status: Unutilized

Comment: 4320 sq. ft.; 1 story semi-permanent bldg; possible asbestos; secure facility with alternate access; most recent use—bowling alley.

Bldg. 145
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940-
Landholding Agency: Navy
Property Number: 779010267
Status: Unutilized
Comment: 4000 sq. ft.; 1 story semi-permanent bldg; possible asbestos secure facility with alternate access; most recent use—recreation building.

Nevada

Bldg. 300
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120001
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 301
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120002
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 302
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120003
Status: Unutilized
Comment: 1573 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 303
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120004
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 304
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120005
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 305
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120006
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 306
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018-
Landholding Agency: Air Force
Property Number: 189120007
Status: Unutilized
Comment: 2750 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 307
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120008
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 308
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120009
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 309
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120010
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 310
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120011
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 311
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120012
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 312
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120013
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 313
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120014
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 314
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120015
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 315
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120016
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 316
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120017
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 317
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120018
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 318
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120019
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 319
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120020
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 320
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120021

Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 321
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120022
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 322
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120023
Status: Unutilized
Comment: 2170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 323
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120024
Status: Unutilized
Comment: 1233 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 324
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120025
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 325
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120026
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 326
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120027
Status: Unutilized
Comment: 2424 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 331
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120028
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 332
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120029
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 333
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120030
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 334
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120031
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off–site removal only.

Bldg. 335
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120032
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 336
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120033
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 337
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120034
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 338
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120035
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 339
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120036
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 340
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120037
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 341
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120038
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 343
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120039
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 345
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120040
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 346
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120041
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 348
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120042
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 349
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120043
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 350

Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120044
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 351
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120045
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 352
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120046
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 353
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120047
Status: Unutilized
Comment: 1170 Sq. ft., one story family housing, easement restrictions, potential utilities, off-site removal only.

Bldg. 400
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120048
Status: Unutilized
Comment: 2464 Sq. ft., one story, most recent use—maintenance shop, easement restrictions, potential utilities, off-site removal only.

Bldg. 402
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120049
Status: Unutilized
Comment: 2570 Sq. ft., one story, most recent use—Chapel, easement restrictions, potential utilities, off-site removal only.

Bldg. 404
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120050
Status: Unutilized
Comment: 2376 Sq. ft., one story, most recent use—religious education facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 406
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120051
Status: Unutilized
Comment: 2605 Sq. ft., one story, most recent use—child care facility, easement restrictions, potential utilities, off-site removal only.

Bldg. 3027
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120052
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3028
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120053
Status: Unutilized
Comment: 60 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3029
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120054
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3030
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120055
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3031
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120056
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3032
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120057
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3033
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120058
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3034
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120059
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3035
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120060
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3036
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120061
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3037
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120062
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3038
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120063
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3039
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120064
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

Bldg. 3040
Nellis Air Force Base
Indian Springs AF Aux. Field
Indian Springs Co: Clark NV 89018–
Landholding Agency: Air Force
Property Number: 189120065
Status: Unutilized
Comment: 120 Sq. ft., one story, most recent use—storage, easement restrictions, potential utilities, off-site removal only.

New York

Bldg. 1

Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530048
Status: Excess
Comment: 4955 sq. ft., 2 story concrete block, needs rehab, most recent use—administration.

Bldg. 2
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530049
Status: Excess
Comment: 1476 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 6
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530050
Status: Excess
Comment: 2466 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop.

Bldg. 11
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530051
Status: Excess
Comment: 1750 sq. ft., 1 story wood frame, needs rehab, most recent use—storage.

Bldg. 8
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530052
Status: Excess
Comment: 1812 sq. ft., 1 story concrete block, needs rehab, most recent use—repair shop communications.

Bldg. 14
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530053
Status: Excess
Comment: 156 sq. ft., 1 story wood frame, most recent use—vehicle fuel station.

Bldg. 30
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530054
Status: Excess
Comment: 3649 sq. ft., 1 story, needs rehab, most recent use—assembly hall.

Bldg. 31
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530055
Status: Excess
Comment: 8252 sq. ft., one story concrete block, most recent use—storage.

Bldg. 32
Hancock Field
Syracuse Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530056
Status: Excess
Comment: 8252 sq. ft., one story concrete block, most recent use—storage.

Land (by State)

Illinois

Libertyville Training Site
Libertyville Co: Lake IL 60048–
Landholding Agency: Navy
Property Number: 779010073
Status: Excess
Comment: 114 acres; possible radiation hazard; existing FAA use license.

Michigan

Marine Corps Reserve Center
3109 Collowingwood Parkway
Flint MI 48502–
Landholding Agency: Navy
Property Number: 779240019
Status: Excess
Comment: 5 acres, previously had four bldgs. on it.

New York

14.90 Acres
Hancock Field
Syracus Co: Onandaga NY 13211–
Landholding Agency: Air Force
Property Number: 189530057
Status: Excess
Comment: Fenced in compound, most recent use—Air Natl. Guard Communication & Electronics Group.

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. 1435
Maxwell Air Force Base
Mimosa Road
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189030220
Status: Unutilized
Comment: Floodway, Secured Area.

Education Center
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320044
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration.

Admin. Office
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189320045
Status: Unutilized
Reason: Secured Area, Other
Comment: Extensive Deterioration.

Bldg. 402
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330049
Status: Unutilized
Reason: Secured Area.

Bldg. 864
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330064
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Bldg. 875
Maxwell Air Force Base
Montgomery Co: Montgomery AL 36112–
Landholding Agency: Air Force
Property Number: 189330065
Status: Unutilized
Reason: Secured Area.

Alaska

Bldg. 203
Tin City Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010296
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 165
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010298
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 150
Sparrevohn Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010299
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 130
Sparrevohn Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010300
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 306
King Salmon Airport
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010301
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 11–230
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010303
Status: Unutilized
Reason: Secured Area, Contamination.

Bldg. 21–116
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010304

Status: Unutilized
Reason: Secured Area, Contamination.

Bldg. 63–320
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010307
Status: Unutilized
Reason: Secured Area, Contamination.

Bldg. 63–325
Elmendorf Air Force Base
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010308
Status: Unutilized
Reason: Secured Area; Contamination.

Bldg. 103
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010309
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 110
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010310
Status: Unutilized
Reason: Secured Area, Isolated area; Not accessible by road, Contamination.

Bldg. 112
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010311
Status: Unutilized
Reason: Secured Area, Isolated area; Not accessible by road; Contamination.

Bldg. 113
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010312
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 114
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010313
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 115
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010314
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 118
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010315
Status: Unutilized
Reason: Secured Area; Isolated area; Not accessible by road; Contamination.

Bldg. 1018
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010317
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1025
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010318
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1055
Ft. Yukon Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010319
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 107
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010320
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 115
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010321
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 113
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010322
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 150
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010323
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 152
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010324
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 301
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010325
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1001
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010326
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1003
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010327
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1055
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010328
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1056
Cape Lisburne Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010329
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 103
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000

Landholding Agency: Air Force
Property Number: 189010330
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 104
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010331
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 105
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010332
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 110
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010333
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 114
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010334
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 202
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010335
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 204
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010336
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 205
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010337
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1001
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010338
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 1015
Kotzebue Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010339
Status: Unutilized
Reason: Secured Area, Isolated area, Not accessible by road, Contamination.

Bldg. 50
Cold Bay Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010433
Status: Unutilized
Reason: Other, Isolated area, Not accessible by road
Comment: Isolated and remote; Arctic environment.

Bldg. 1548, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420001
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1568, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420002
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1570, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420003
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1700, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420004
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1832, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420005
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1842, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420006
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1844, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189420007
Status: Unutilized
Reason: Floodway, Secured Area, Extensive deterioration.

Bldg. 1853, Galena Airport
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189440011
Status: Unutilized
Reason: Secured Area, Floodway.

Bldg. 24–825
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440012
Status: Unutilized
Reason: Secured Area, Within airport runway clear zone.

Bldg. 24–820
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440013
Status: Unutilized
Reason: Secured Area, Within airport runway clear zone.

Bldg. 21–878
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10–480
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189440015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 142
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 110
Tin City Long Range Radar Site
Wales Co: Nome AK
Landholding Agency: Air Force
Property Number: 189520014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 646
King Salmon Airport
Naknek Co: Bristol Bay AK
Landholding Agency: Air Force
Property Number: 189520015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2541
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520016

Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1770
Galena Airport
Galena Co: Yukon AK
Landholding Agency: Air Force
Property Number: 189520017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520024
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 2
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520025
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 12
Lonely Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520026
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 1
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520027
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 2
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520028
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 3
Wainwright Dewline Site
Fairbanks Co: Fairbanks NS AK
Landholding Agency: Air Force
Property Number: 189520029
Status: Unutilized
Reason: Extensive deterioration; Not accessible by road.

Bldg. 3024
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3045
Tatalina Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 18
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 23
Lonely Dewline Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1015
Kotzebue Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3
Flaxman Island DEW Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530008
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 4100
Cape Romanzof Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18530009
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 200
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18530010
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 2166
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18530011
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 5500
Cape Newenham Long Range Radar Site
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 18530012
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 8
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530013
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 75
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530014
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 86
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530015
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 3060
Barter Island
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530016
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 11–330
Elmendorf AFB AK 99506–4420
Landholding Agency: Air Force
Property Number: 189530017
Status: Unutilized
Reason: With airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 11–490
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530018
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 21–870
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530019
Status: Unutilized
Reason: Secured Area.

Bldg. 22–010
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530020
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration.

Bldg. 24–811
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530021

Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 31–342
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530022
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 32–126
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530023
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 32–129
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530024
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 42–350
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530025
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 44–775
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530026
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 73–402
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530027
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area.

Bldg. 73–403
Elmendorf Air Force Base
Anchorage AK 99506–3240
Landholding Agency: Air Force
Property Number: 189530028
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area, Extensive deterioration.

Bldg. 21–737
Elmendorf Air Force Base
Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189540001
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Sand Shed, Map Grid 45024
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120004
Status: Unutilized
Reason: Secured Area.

LORAN Station, Map Grid 09L11
Naval Air Station
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779120006
Status: Unutilized
Reason: Secured Area.

Bldg. 10196
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310021
Status: Unutilized
Reason: Secured Area.

Bldg. 10517
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310022
Status: Unutilized
Reason: Secured Area.

Bldg. 10518
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310023
Status: Unutilized
Reason: Secured Area.

Bldg. 10535
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310024
Status: Unutilized
Reason: Secured Area.

Bldg. 10538
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310025
Status: Unutilized
Reason: Secured Area.

Bldg. 10539
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310026
Status: Unutilized
Reason: Secured Area.

Bldg. 10540
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310027
Status: Unutilized
Reason: Secured Area.

Bldg. 10603
Naval Security Group Activity
Adak Co: Adak AK 98791–
Landholding Agency: Navy
Property Number: 779310028
Status: Unutilized
Reason: Secured Area.

Generator Bldg.
Naval Security Group Activity
Adak Island AK
Landholding Agency: Navy
Property Number: 779430017
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Arizona

Facility 90002
Holbrook Radar Site
Holbrook Co: Navajo AZ 86025–
Landholding Agency: Air Force
Property Number: 189340049
Status: Unutilized
Reason: Within airport runway clear zone.

California

Bldg. 4052
March AFB
Ice House in West March
Riverside Co: Riverside CA 92518–
Landholding Agency: Air Force
Property Number: 189010082
Status: Unutilized
Reason: Within airport runway clear zone.

Bldg. 1182 60 ABG/DE
Travis Air Force Base
Perimeter Road
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010188
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area.

Bldg. 152 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010190
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 159 60 ABG/DE
Travis Air Force Base
Broadway Street
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010191
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 384 60 ABG/DE
Travis Air Force Base
Hospital Drive
Travis AFB Co: Solano CA 94535–5496
Landholding Agency: Air Force
Property Number: 189010192
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 707 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010193
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 575 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010195
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 502 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010196
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 23 63 ABG/DE
Norton Air Force Base
Norton Co: San Bernadino CA 92409–5045
Landholding Agency: Air Force
Property Number: 189010197
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Secured Area.

Bldg. 100
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010233
Status: Unutilized
Reason: Secured Area.

Bldg. 101
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010234
Status: Underutilized
Reason: Secured Area.

Bldg. 116
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010235
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Point Arena Air Force Station
(See County) Co: Mendocino CA 95468–5000
Landholding Agency: Air Force
Property Number: 189010236
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1823
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, PT Sal Rd., Miguelito CYN
Landholding Agency: Air Force
Property Number: 189130360
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 10312
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210026
Status: Unutilized
Reason: Secured Area.

Bldg. 10503
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189210028
Status: Unutilized
Reason: Secured Area.

Bldg. 16104, Vandenberg AFB
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, Pt Sal Rd., Miguelito Cyn
Landholding Agency: Air Force
Property Number: 189230020
Status: Underutilized
Reason: Secured Area.

Bldg. 1791
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240044
Status: Unutilized
Reason: Secured Area.

Bldg. 10721
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Highway 1, Highway 246, Coast Road, PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240048
Status: Underutilized
Reason: Secured Area.

Bldg. 13028
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Location: Hwy 1, Hwy 246; Coast Rd., PT Sal Road; Miguelito CYN
Landholding Agency: Air Force
Property Number: 189240050
Status: Unutilized
Reason: Secured Area.

Bldg. 5427, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310014
Status: Unutilized
Reason: Secured Area.

Bldg. 5428, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310015
Status: Unutilized
Reason: Secured Area.

Bldg. 5430, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310016
Status: Unutilized
Reason: Secured Area.

Bldg. 5431, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310017
Status: Unutilized
Reason: Secured Area.

Bldg. 6407, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310024
Status: Unutilized
Reason: Secured Area.

Bldg. 6425, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310027
Status: Unutilized
Reason: Secured Area.

Bldg. 6444, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310028
Status: Unutilized
Reason: Secured Area.

Bldg. 7304, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310030
Status: Unutilized
Reason: Secured Area.

Bldg. 13010, Vandenberg AFB
Vandenberg Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189310036
Status: Unutilized
Reason: Secured Area.

Bldg. 5437
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330011
Status: Unutilized
Reason: Secured Area.

Bldg. 6206
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330013
Status: Unutilized
Reason: Secured Area.

Bldg. 8215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330016

Status: Unutilized
Reason: Secured Area.

Bldg. 8220
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330019
Status: Unutilized
Reason: Secured Area.

Bldg. 9001
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330028
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 13025
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189330032
Status: Unutilized
Reason: Secured Area.

Bldg. 1988
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340003
Status: Unutilized
Reason: Other; Secured Area.
Comment: Electrical Power Generator Bldg.

Bldg. 1324
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340006
Status: Unutilized
Reason: Secured Area.

Bldg. 1341
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340007
Status: Unutilized
Reason: Secured Area.

Bldg. 1955
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340008
Status: Unutilized
Reason: Secured Area.

Bldg. 5007
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340009
Status: Unutilized
Reason: Secured Area.

Bldg. 6008
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340014
Status: Unutilized
Reason: Secured Area.

Bldg. 6418
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340015
Status: Unutilized
Reason: Secured Area.

Bldg. 6429
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340017
Status: Unutilized
Reason: Secured Area.

Bldg. 6441
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340018
Status: Unutilized
Reason: Secured Area.

Bldg. 6442
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340019
Status: Unutilized
Reason: Secured Area.

Bldg. 6443
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340020
Status: Unutilized
Reason: Secured Area.

Bldg. 7301
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340021
Status: Unutilized
Reason: Secured Area.

Bldg. 7306
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340022
Status: Unutilized
Reason: Secured Area.

Bldg. 8309
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340023
Status: Unutilized
Reason: Secured Area.

Bldg. 9310
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340024
Status: Unutilized
Reason: Secured Area.

Bldg. 11190
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340025
Status: Unutilized
Reason: Secured Area.

Bldg. 11308
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340026
Status: Unutilized
Reason: Secured Area.

Bldg. 16164
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189340028
Status: Unutilized
Reason: Secured Area.

Bldg. 6521
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410004
Status: Unutilized
Reason: Secured Area.

Bldg. 13019
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189410005
Status: Unutilized
Reason: Secured Area.

Bldg. 501
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420008
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 13020
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189420011
Status: Unutilized
Reason: Secured Area, Extensive deterioration.

Bldg. 1203
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440001
Status: Unutilized
Reason: Secured Area.

Bldg. 1786
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440002
Status: Unutilized
Reason: Secured Area.

Bldg. 11183
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440005
Status: Unutilized
Reason: Secured Area.

Bldg. 11219
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440006
Status: Unutilized
Reason: Secured Area.

Bldg. 11238
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440007
Status: Unutilized
Reason: Secured Area.

Bldg. 11511
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13412
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189440009
Status: Unutilized
Reason: Secured Area.

Bldg. 460
Vandenburg Air Force Base
Vandenburg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6348
Vandenburg Air Force Base
Vandenburg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189510020
Status: Unutilized
Reason: Secured Area.

Bldg. 908
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520018
Status: Excess
Reason: Other
Comment: Detached Latrine.

Bldg. 11514
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520019
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 11559
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520020
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 13002
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520021
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 13004
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 16195
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189520023
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 422
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530029
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 431
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 470
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 480
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 508
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530033
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 951
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530034
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6011
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530035
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6520
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530036
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 6606
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530037
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 7200
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530038
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 7307
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530039
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9351
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530040
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10717
Vandenberg Air Force Base

Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530041
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10720
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530042
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 10722
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530043
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13213
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530044
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 13215
Vandenberg Air Force Base
Vandenberg AFB Co: Santa Barbara CA 93437–
Landholding Agency: Air Force
Property Number: 189530045
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 105
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010159
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 165
Naval FPS, CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 146
Naval Facilities Point Sur
CVB Detachment
Monterey Co: Monterey CA 93940–
Landholding Agency: Navy
Property Number: 779010268
Status: Unutilized
Reason: Other
Comment: Sewer treatment facility.

Bldg. 31104
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779340003
Status: Unutilized
Reason: Secured Area.

Bldg. 31107
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779420001
Status: Unutilized
Reason: Secured Area.

Bldg. 15951
Naval Air Weapons Stations
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779430006
Status: Unutilized
Reason: Secured Area; Extensive deterioration; Within 2000 ft. of flammable or explosive material.

Bldg. 31539
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–
Landholding Agency: Navy
Property Number: 779430016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 00366
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520001
Status: Excess
Reason: Secured Area.

Bldg. 00405
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520002
Status: Excess
Reason: Secured Area.

Bldg. 00418
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520003
Status: Excess
Reason: Secured Area.

Bldg. 00421
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520004
Status: Excess
Reason: Secured Area.

Bldg. 00426
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520005
Status: Excess
Reason: Secured Area.

Bldg. 00427
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520006
Status: Excess
Reason: Secured Area.

Bldg. 00429
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520007
Status: Excess
Reason: Secured Area.

Bldg. 00430
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520008
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00360, 00415, 00419, 00423, 00414
Landholding Agency: Navy
Property Number: 779520009
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00428, 00359, 00362, 00369, 00409
Landholding Agency: Navy
Property Number: 779520010
Status: Excess
Reason: Secured Area.

5 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00367, 00416, 00425, 00365, 00368
Landholding Agency: Navy
Property Number: 779520011
Status: Excess
Reason: Secured Area.

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00370, 00371, 00385, 00404
Landholding Agency: Navy
Property Number: 779520012
Status: Excess
Reason: Secured Area.

4 Bldgs.
Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Location: Include: #'s 00412, 00433, 00434, 00435
Landholding Agency: Navy
Property Number: 779520013
Status: Excess
Reason: Secured Area.

Bldgs. 31030, 31031 & 31034
Naval Air Weapons Station
China Lake Co: San Bernardino CA 93555–6001
Landholding Agency: Navy
Property Number: 779520015
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 481
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520018
Status: Unutilized
Reason: Secured Area.

Bldg. 482
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy

Property Number: 779520019
Status: Excess
Reason: Secured Area.

Bldg. 356
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520020
Status: Excess
Reason: Secured Area.

Bldg. 361
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520021
Status: Excess
Reason: Secured Area.

Bldg. 364
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520022
Status: Excess
Reason: Secured Area.

Bldg. 373
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520023
Status: Excess
Reason: Secured Area.

Bldg. 407
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520024
Status: Excess
Reason: Secured Area.

Bldg. 413
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520025
Status: Excess
Reason: Secured Area.

Bldg. 366
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520026
Status: Unutilized
Reason: Secured Area.

Bldg. 432
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520027
Status: Excess
Reason: Secured Area.

Bldg. 472
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520028
Status: Excess
Reason: Secured Area.

Bldg. 417
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520029
Status: Excess
Reason: Secured Area.

Bldg. 422
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520030
Status: Excess
Reason: Secured Area.

Bldg. 424
Naval Air Weapons Station, China Lake
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779520031
Status: Excess
Reason: Secured Area.

Bldg. 30735
Naval Air Weapons Center
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779530029
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 20186
Observation Tower, Naval Air Weapons Station
China Lake Co: Kern CA 93555–
Landholding Agency: Navy
Property Number: 779540001
Status: Excess
Reason: Extensive deterioration.

Bldg. 120
Naval Air Weapons Station, Point Mugu
San Nicholas Island Co: Ventura CA 97042–
Landholding Agency: Navy
Property Number: 779540002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Colorado

Bldg. 712
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330002
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 518
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330003
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 505
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330004
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 504
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330005
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 503
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330006
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 502
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330007
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 32
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330008
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 27
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330009
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 23
Buckley Air National Guard Base
Aurora Co: Arapahoe CO 80011–9599
Landholding Agency: Air Force
Property Number: 189330010
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 00910
''Blue Barn''—Falcon Air Force Base
Falcon CO: El Paso CO 80912–
Landholding Agency: Air Force
Property Number: 189530046
Status: Underutilized
Reason: Secured Area.

Connecticut

Naval Housing—7 Bldgs.
Naval Submarine Base
New London Co: Groton CT
Landholding Agency: Navy
Property Number: 779510001
Status: Unutilized
Reason: Secured Area.

Delaware

Bldg. 1304 (436 CSG)
Dover Air Force Base
Dover Co: Kent DE 19902–5065
Landholding Agency: Air Force
Property Number: 189140018
Status: Unutilized
Reason: Secured Area; Within airport runway clear zone.

Florida

Bldg. 902
Tyndall Air Force Base
Panama City Co: Bay FL 32403–5000
Landholding Agency: Air Force
Property Number: 189130348
Status: Underutilized
Reason: Secured Area.

Bldg. 400
Patrick Air Force Base
C Street bet. First & Second Streets
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force

Property Number: 189220001
Status: Underutilized
Reason: Secured Area.

Bldg. 430
Patrick Air Force Base
Third Street bet. B and C Streets
Cocoa Beach Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189220002
Status: Underutilized
Reason: Secured Area.

Bldg. 1176
Patrick Air Force Base
1176 School Avenue Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240029
Status: Underutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 1179
Patrick Air Force Base
1179 School Avenue Co: Brevard FL 32935–
Landholding Agency: Air Force
Property Number: 189240030
Status: Underutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 321
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320001
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other.
Comment: Extensive Deterioration.

Bldg. 510
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320002
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other
Comment: Extensive Deterioration.

Bldg. 575
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189320004
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Other
Comment: Extensive Deterioration.

Bldg. 184, MacDill AFB
MacDill AFB Co: Hillsbourgh FL 33608–
Landholding Agency: Air Force
Property Number: 189320100
Status: Unutilized
Reason: Extensive deterioration.

Facility 90523
Cape Canaveral AFS
Cape Canaveral AFS Co: Brevard FL
Landholding Agency: Air Force
Property Number: 189330001
Status: Underutilized
Reason: Secured Area.

Bldg. 921
Patrick Air Force Base Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Facility No. 01676V
Cape Canaveral AFS Co: Brevard FL 32925–
Landholding Agency: Air Force
Property Number: 189430003
Status: Unutilized
Reason: Secured Area.

Bldg. 2613
Tyndall Air force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2625
Tyndall Air force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2639
Tyndall Air force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 2642
Tyndall Air Force Base
Panama City Co: Bay FL 32403–
Landholding Agency: Air Force
Property Number: 189430007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

23 Family Housing
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Location: Include Bldgs: 448, 451 thru 470, 472 and 474
Landholding Agency: Air Force
Property Number: 189520006
Status: Excess
Reason: Within airport runway clear zone.

Bldg. 240
MacDill Auxiliary Airfield No. 1
Avon Park Co: Polk FL 33825–
Landholding Agency: Air Force
Property Number: 189520007
Status: Excess
Reason: Extensive deterioration.

Bldg. 243
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 510
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 521
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 872
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 30004
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 12513
Eglin Air Force Base
Eglin AFB Co: Okaloosa FL 32542–5000
Landholding Agency: Air Force
Property Number: 189540007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

East Martello Bunker #1
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010101
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base—Kings Bay
1011 USS Daniel Boone Avenue
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010107
Status: Unutilized
Reason: Secured Area.

Guam

Bldg. 96
U.S. Naval Ship Repair Facility
PSC 455 Co: Box 191, FPO AP GU 96540–1400
Landholding Agency: Navy
Property Number: 779240018
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1720
Marine Drive
Agana GU 96540–1000
Landholding Agency: Navy
Property Number: 779530008
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1986, Naval Activities
Sierra Waterfront Center
Agana GU 96540–1000
Landholding Agency: Navy
Property Number: 779530012
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3113, Naval Activities
Corner of Tango/Uniform Wharves
Agana GU 96540–1000
Landholding Agency: Navy
Property Number: 779530013
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 6002, Naval Activities
Wharf V–6
Agana GU 96540–1000
Landholding Agency: Navy
Property Number: 779530014
Status: Excess
Reason: Extensive deterioration.

Hawaii

Bldg. 126, Naval Magazine
Waikele Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230012
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Other
Comment: Extensive Deterioration.

Bldg. Q75, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230013
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 7, Naval Magazine
Lualualei Branch
Lualualei Co: Oahu HI 96792–
Landholding Agency: Navy
Property Number: 779230014
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Facility 189, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310045
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 342, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310046
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 343, Naval Air Facil.
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310047
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility S6194
Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310048
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility S7124
Naval Air Facility
Midway Island
Pearl Harbor HI 96516–
Landholding Agency: Navy
Property Number: 779310049
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Facility 5985
Naval Station Pearl Harbor
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779310086
Status: Excess
Reason: Extensive deterioration.

Bldg. 6, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10, Pearl Harbor
Richardson Recreational Area
Honolulu Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779410004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 7
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510003
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 10
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 11
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510006
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 12
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510007
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 13
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510008
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 14
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510009
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 15
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510010
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 39
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510011
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 40
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510012
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 43
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510013
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 44
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510014
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 45
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510015
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 46
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510016
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 101
Naval Magazine Lualualei
Waipio Peninsula Co: Oahu HI
Landholding Agency: Navy
Property Number: 779510017
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 9
Naval Public Works Center
Kolekole Road
Lualualei Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530009
Status: Excess
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. X5
Nanumea Road
Pearl Harbor Co: Honolulu HI 96782–
Landholding Agency: Navy
Property Number: 779530010
Status: Excess

Reason: Secured Area.

Bldg. SX30
Nanumea Road
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779530011
Status: Excess
Reason: Secured Area.

Bldg. 541, Ford Island
Naval Station
Pearl Harbor Co: Honolulu HI 96860–
Landholding Agency: Navy
Property Number: 779610015
Status: Unutilized
Reason: Extensive deterioration.

Idaho

Bldg. 1012
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030004
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 923
Mountain Home Air Force Base
7th Avenue (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030005
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 604
Mountain Home Air Force Base
Pine Street (See County) Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189030006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 229
Mt. Home Air Force Base
1st Avenue and A Street
Mt. Home AFB Co: Elmore ID 83648–
Landholding Agency: Air Force
Property Number: 189040857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.

Bldg. 4403
Mountain Home Air Force Base
Mountain Home Co: Elmore ID 83647–
Landholding Agency: Air Force
Property Number: 189520008
Status: Unutilized
Reason: Extensive deterioration.

Illinois

Bldg. 3191
Scott Air Force Base
East Drive 375/ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010247
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 3670
Scott Air Force Base
East Drive 375 ABG/DE
Scott AFB Co: St. Clair IL 62225–5001
Landholding Agency: Air Force
Property Number: 189010248
Status: Unutilized
Reason: Secured Area.

Bldg. 503
Scott Air Force Base
Scott AFB Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189010725
Status: Unutilized
Reason: Secured Area.

Bldg. 869
Scott Air Force Base
375 CSG/DEER
Scott AFB Co: St. Clair IL 62225–5045
Landholding Agency: Air Force
Property Number: 189110087
Status: Unutilized
Reason: Secured Area.

Bldg. 865
Scott Air Force Base
Belleville Co: St. Clair IL 62225–
Landholding Agency: Air Force
Property Number: 189130347
Status: Unutilized
Reason: Secured Area.

Bldg. 928
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010120
Status: Underutilized
Reason: Secured Area.

Bldg. 28
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010123
Status: Unutilized
Reason: Secured Area.

Bldg. 25
Naval Training Center
Great Lakes
Great Lakes Co: Lake IL 60088–
Landholding Agency: Navy
Property Number: 779010126
Status: Unutilized
Reason: Secured Area.

South Wing—Building No. 62
Great Lakes Co: Lake IL 60088–5000
Landholding Agency: Navy
Property Number: 779110001
Status: Underutilized
Reason: Secured Area.

Bldg. 235
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310039
Status: Unutilized
Reason: Secured Area.

Bldg. 2B
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310040
Status: Unutilized
Reason: Secured Area.

Bldg. 90
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310041
Status: Unutilized
Reason: Secured Area.

Bldg. 232
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310042
Status: Unutilized
Reason: Secured Area.

Bldg. 233
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310043
Status: Unutilized
Reason: Secured Area.

Bldg. 234
Naval Training Center
Great Lakes Co: Lake IL
Landholding Agency: Navy
Property Number: 779310044
Status: Unutilized
Reason: Secured Area.

Iowa

Bldg. 00273
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310008
Status: Unutilized
Reason: Secured Area.

Bldg. 00671
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310009
Status: Unutilized
Reason: Other
Comment: Fuel pump station.

Bldg. 00736
Sioux Gateway Airport
Sioux Co: Woodbury IA 51110–
Landholding Agency: Air Force
Property Number: 189310010
Status: Unutilized
Reason: Other
Comment: Pump station.

Kansas

Bldg. 1407
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340029
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 186
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340030
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 187
McConnell Air Force Base
Wichita Co: Sedgwick KS 67221–
Landholding Agency: Air Force
Property Number: 189340031
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Louisiana

Bldg. 3477
Barksdale Air Force Base
Davis Avenue
Barksdale AFB Co: Bossier LA 71110–5000
Landholding Agency: Air Force
Property Number: 189140015
Status: Unutilized
Reason: Secured Area.

Maine

Bldg. 293, Naval Air Station
Brunswick Co: Cumberland ME 04011–
Landholding Agency: Navy
Property Number: 779240015
Status: Excess
Reason: Secured Area.

Bldg. 384
Naval Air Station Topsham
Brunswick Co: Sagadahoc ME
Landholding Agency: Navy
Property Number: 779340001
Status: Unutilized
Reason: Extensive deterioration.

Massachusetts

Bldg. 1900
Westover Air Force Base
Chicopee Co: Hampden MA 01022–
Landholding Agency: Air Force
Property Number: 189010438
Status: Unutilized
Reason: Secured Area.

Bldg. 1833
Westover Air Force Base
Chicopee Co: Hampden MA 01022–5000
Landholding Agency: Air Force
Property Number: 189040002
Status: Unutilized
Reason: Secured Area.

Michigan

Bldg. 560
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: North end of airfield
Landholding Agency: Air Force
Property Number: 189010522
Status: Unutilized
Reason: Secured Area.

Bldg. 5658
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 590.
Landholding Agency: Air Force
Property Number: 189010523
Status: Unutilized
Reason: Secured Area.

Bldg. 580
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: South end of airfield.
Landholding Agency: Air Force
Property Number: 189010524
Status: Unutilized
Reason: Secured Area.

Bldg. 856
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010525
Status: Unutilized
Reason: Secured Area.

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area.

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized
Reason: Secured Area.

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area.

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area.

Bldg. 1688
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010531
Status: Unutilized
Reason: Secured Area.

Bldg. 1689
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area.

Bldg. 5670
Selfridge Air National Guard Base
Selfridge Co: Macomb MI 48045–
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area.

Bldg. 71
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010810
Status: Excess
Reason: Other
Comment: sewage treatment and disposal facility.

Bldg. 99 (WATER WELL)
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010831
Status: Excess
Reason: Other
Comment: water well.

Bldg. 100 (WATER WELL)
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010832
Status: Excess
Reason: Other
Comment: water well.

Bldg. 118
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010875
Status: Excess
Reason: Other
Comment: Gasoline Station.

Bldg. 120
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010876
Status: Excess
Reason: Other
Comment: Gasoline Station.

Bldg. 166
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010877
Status: Excess
Reason: Other
Comment: Pump lift station.

Bldg. 168
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010878
Status: Excess
Reason: Other
Comment: Gasoline station.

Bldg. 69
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010889
Status: Excess
Reason: Other
Comment: Sewer pump facility.

Bldg. 2
Calumet Air Force Station
Calument Co: Keweenaw MI 49913–
Landholding Agency: Air Force
Property Number: 189010890
Status: Excess
Reason: Other
Comment: Water pump station.

Missouri

Bldg. 42
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010726
Status: Unutilized
Reason: Secured Area.

Bldg. 45
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–

Landholding Agency: Air Force
Property Number: 189010728
Status: Unutilized
Reason: Secured Area.

Bldg. 46
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010729
Status: Unutilized
Reason: Secured Area.

Bldg. 47
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010730
Status: Unutilized
Reason: Secured Area.

Bldg. 61
Jefferson Barracks ANG Base
1 Grant Road, Missouri National Guard
St. Louis Co: St. Louis MO 63125–
Landholding Agency: Air Force
Property Number: 189010731
Status: Unutilized
Reason: Secured Area.

Montana

Bldg. 280
Malmstrom AFB
Flightline & Avenue G
Malmstrom Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189010077
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area; Other environmental.

Bldg. 440
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430008
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 444
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 464
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430010
Status: Unutilized
Reason: Secured Area.

Bldg. 495
Malmstrom Air Force Base
Great Falls Co: Cascade MT 59402–7525
Landholding Agency: Air Force
Property Number: 189430011
Status: Unutilized
Reason: Secured Area.

Bldg. 205
Malstrom Air Force Base
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510004
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 210
Malstrom Air Force Base
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 529
Malstrom Air Force Base
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510011
Status: Underutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 625
Malstrom Air Force Base
Malstrom AFB Co: Cascade MT 59405–
Landholding Agency: Air Force
Property Number: 189510014
Status: Unutilized
Reason: Secured Area.

Bldg. 780
Malstrom Air Force Base
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189520012
Status: Unutilized
Reason: Secured Area.

Bldg. 546, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540008
Status: Underutilized
Reason: Secured Area.

Bldg. 548, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540009
Status: Underutilized
Reason: Secured Area.

Bldg. 557, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540010
Status: Underutilized
Reason: Secured Area.

Bldg. 666, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540011
Status: Underutilized
Reason: Secured Area.

Bldg. 766, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540012
Status: Underutilized
Reason: Secured Area.

Bldg. 1189, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540013
Status: Underutilized
Reason: Secured Area.

Bldg. 1308, Malstrom AFB
Malstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540014
Status: Underutilized
Reason: Secured Area.

Bldg. 1309, Malstrom AFB
Malmstrom AFB Co: Cascade MT 59402–
Landholding Agency: Air Force
Property Number: 189540015
Status: Underutilized
Reason: Secured Area.

Nebraska

Offutt Communications Annex—#3
Offutt Air Force Base
Scribner Co: Dodge NE 68031–
Landholding Agency: Air Force
Property Number: 189210006
Status: Unutilized
Reason: Other.
Comment: Former sewage lagoon.

Bldg. 637
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster NE 68524–
Landholding Agency: Air Force
Property Number: 189230021
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 639
Lincoln Municipal Airport
2301 West Adams
Lincoln Co: Lancaster, NE 68524–
Landholding Agency: Air Force
Property Number: 189230022
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 31
Offutt Air Force Base
Sac Boulevard
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240007
Status: Unutilized
Reason: Secured Area.

Bldg. 311
Offutt Air Force Base
Nelson Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240008
Status: Unutilized
Reason: Secured Area.

Bldg. 401
Offutt Air Force Base
Custer Drive
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240009
Status: Unutilized
Reason: Secured Area.

Bldg. 416
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240010
Status: Unutilized
Reason: Secured Area.

Bldg. 417
Offutt Air Force Base
Sherman Turnpike
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240011
Status: Unutilized
Reason: Secured Area.

Bldg. 545

Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189240012
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320058
Status: Excess
Reason: Other Comment: Generator.

Bldg. 4, Hastings Family Hsg.
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320059
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 500
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320060
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 502
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320061
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 504
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320062
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 506
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320063
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 507
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320064
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 509
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320065
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 511
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320066
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 512
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320067
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 515
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320068
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 517
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320069
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 519
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320070
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 521
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320071
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 523
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320072
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 525
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320073
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 526
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320074
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 529
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320075
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 531
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320076
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 533
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320077
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 534
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320078
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 536
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320079
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 538
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320080
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 541
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320081
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 542
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320082
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 544

Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320083
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 546
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320084
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 549
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320085
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 550
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320086
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 552
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320087
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 553
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320088
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 555
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320089
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 557
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320090
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 558
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320091
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 560
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320092
Status: Excess
Reason: Other
Comment: Contamination.

27 Detached Garages
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320093
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 17
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320094
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 16
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320095
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 18
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320096
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 6
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320097
Status: Excess
Reason: Other
Comment: Contamination.

Bldg. 547
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320098
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 604
Hastings Family Housing
Hastings Radar Bomb Scoring Site
Hastings Co: Adams NE 68901–
Landholding Agency: Air Force
Property Number: 189320099
Status: Excess
Reason: Other Comment: Contamination.

Bldg. 686
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510021
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Offutt Air Force Base
Offutt Co: Sarpy NE 68113–
Landholding Agency: Air Force
Property Number: 189510022
Status: Unutilized
Reason: Secured Area.

New Hampshire

Bldg. 101
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 102
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189320006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 104
New Boston Air Force Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 1893200076
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 116
New Boston Air Station
Amherst Co: Hillsborough NH 03031–1514
Landholding Agency: Air Force
Property Number: 189540016
Status: Unutilized
Reason: Extensive deterioration..

New Mexico

Bldg. 831
833 CSG/DEER
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189130333
Status: Unutilized
Reason: Secured Area.

Bldg. 21
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240032
Status: Unutilized
Reason: Secured Area.

Bldg. 80
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240033
Status: Unutilized
Reason: Secured Area.

Bldg. 98
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240034

Status: Unutilized
Reason: Secured Area.

Bldg. 324
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240035
Status: Unutilized
Reason: Secured Area.

Bldg. 598
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240036
Status: Unutilized
Reason: Secured Area.

Bldg. 801
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240037
Status: Unutilized
Reason: Secured Area.

Bldg. 802
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240038
Status: Unutilized
Reason: Secured Area.

Bldg. 1095
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240039
Status: Unutilized
Reason: Secured Area.

Bldg. 1096
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240040
Status: Unutilized
Reason: Secured Area.

Facility 321
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240041
Status: Unutilized
Reason: Secured Area.

Facility 75115
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240042
Status: Unutilized
Reason: Secured Area.

Bldg. 874
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320041
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 1258
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189320042
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive Deterioration.

Bldg. 134
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430014
Status: Unutilized
Reason: Secured Area.

Bldg. 640
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430015
Status: Unutilized
Reason: Secured Area.

Bldg. 703
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430016
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 813
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430017
Status: Unutilized
Reason: Secured Area.

Bldg. 821
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430018
Status: Unutilized
Reason: Secured Area.

Bldg. 829
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430019
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 867
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430020
Status: Unutilized
Reason: Secured Area.

Bldg. 884
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 886
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430022
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 908
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189430023
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510001
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189510002
Status: Unutilized
Reason: Secured Area.

Bldg. 599
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610007
Status: Unutilized
Reason: Secured Area.

Bldg. 600
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610008
Status: Unutilized
Reason: Secured Area.

Bldg. 995
Holloman AFB Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189610009
Status: Unutilized
Reason: Secured Area.

New York

Bldg. 626 (Pin: RVKQ)
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14303–5000
Landholding Agency: Air Force
Property Number: 189010075
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 272
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140022
Status: Excess
Reason: Secured Area.

Bldg. 888
Griffiss Air Force Base
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189140023
Status: Excess
Reason: Secured Area.

Facility 814, Griffiss AFB
NE of Weapons Storage Area
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230001
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 808, Griffiss AFB
Perimeter Road
Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230002
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 807, Griffiss AFB
Perimeter Road

Rome Co: Oneida NY 13441–
Landholding Agency: Air Force
Property Number: 189230003
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Facility 126
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area.

Facility 127
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240021
Status: Unutilized
Reason: Secured Area.

Facility 135
Griffiss Air Force Base
Hanger Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240022
Status: Unutilized
Reason: Secured Area.

Facility 137
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240023
Status: Unutilized
Reason: Secured Area.

Facility 138
Griffiss Air Force Base
Otis Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240024
Status: Unutilized
Reason: Secured Area.

Facility 173
Griffiss Air Force Base
Selfridge Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240025
Status: Unutilized
Reason: Secured Area.

Facility 261
Griffiss Air Force Base
McDill Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240026
Status: Unutilized
Reason: Secured Area.

Facility 308
Griffiss Air Force Base
205 Chanute Street
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240027
Status: Unutilized
Reason: Secured Area.

Facility 1200
Griffiss Air Force Base
Donaldson Road
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189240028
Status: Unutilized
Reason: Secured Area.

Bldg. 759, Hancock Field
6001 East Molloy Road
Syracuse Co: Onondaga NY 13211–7099
Landholding Agency: Air Force
Property Number: 189310007
Status: Unutilized
Reason: Extensive deterioration, Secured Area.

Facility 841
Griffiss Air Force Base
Rome Co: Oneida NY 13441–4520
Landholding Agency: Air Force
Property Number: 189330097
Status: Unutilized
Reason: Secured Area.

Bldg. 852
Niagara Falls International Airport
914th Tactical Airlift Group
Niagara Falls Co: Niagara NY 14304–5000
Landholding Agency: Air Force
Property Number: 189240013
Status: Unutilized
Reason: Secured Area.

North Carolina

Bldg. 4230—Youth Center
Cannon Ave.
Goldsboro Co: Wayne NC 27531–5005
Landholding Agency: Air Force
Property Number: 189120233
Status: Underutilized
Reason: Secured Area.

Bldg. 607, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2890
Landholding Agency: Air Force
Property Number: 189330041
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 255, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 370, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189240020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 904, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 910, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 912, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 914, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–2003
Landholding Agency: Air Force
Property Number: 189420024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 633, Pope Air Force Base
Fayetteville Co: Cumberland NC 28308–
Landholding Agency: Air Force
Property Number: 189540019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–7
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–11
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–13
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–16
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–17
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–21
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SH–31
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SSH–10
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–209
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–589
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–590
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–4138
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410028
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–4139
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410029
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 867
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 939
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 940
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. H–38
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410033
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SM–173
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410034
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1744
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779410035
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. PT–42
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–93
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420003
Status: Unutilized
Reason: Secured Area.

Bldg. TC–910
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–942
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–1213
Marine Corps Base
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779420006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 79
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420008
Status: Excess
Reason: Secured Area.

Bldg. 281
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420009
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 282
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420010
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 88
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420011
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 98
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420012
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 99
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420013
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1234
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420014
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1235
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420015
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1246
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420016
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1390
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420017
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1710
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420018
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1742
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420019
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1743
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420020
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1744
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420021
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1745
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3450
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420023
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 8067
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420024
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3546
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779420025
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 9017
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9019
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9021
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9023
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9035
Piney Island
Marine Corps Air Stations
Cherry Point Co: Carteret NC
Landholding Agency: Navy
Property Number: 779430005
Status: Unutilized
Reason: Extensive deterioration.

Structure #AS582
New River Air Station
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS–299, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 854, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 883, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TC–174, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TC–179, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779430024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 935, Cherry Point
Marine Corps Air Station
Havelock co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Facility 1972, Cherry Point
Marine Corps Air Station
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779430026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3248
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779440009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 552, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 587, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. TT 38, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 49, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440013
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 147, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BB 166, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SM 183, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BB 222, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 451, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 630, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S 745, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 805, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. AS 866, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 954, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1808, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1810, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779440025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure #SVL 142
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure #FC 363
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510022
Status: Unutilized
Reason: Secured Area.

Structure #AS 583
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510023
Status: Unutilized
Reason: Secured Area.

Structure # 1966
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure # 2322
Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779510025
Status: Unutilized
Reason: Secured Area.

Structure RR–85
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure SRR–86
Camp Lejeune, Base Rifle Range
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779520017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 168
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530015
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 959
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530016
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 977
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530017
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1056
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530018
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1739
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530019
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1741
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530020
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1990
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530021
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1991
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530022
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 914
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530023
Status: Excess
Reason: Extensive deterioration.

Bldg. 981
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530024
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 986
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530025
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 987
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530026
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 988
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530027
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 1652
Marine Corps Air Station—Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779530028
Status: Excess
Reason: Other
Comment: Detached Latrine.

North Dakota

Bldg. 422
Minot Air Force Base

Minot Co: Ward ND 58705–
Landholding Agency: Air Force
Property Number: 189010724
Status: Underutilized
Reason: Secured Area.

Bldg. 50
Fortuna Air Force Station
Extreme northwestern corner of North Dakota
Fortuna Co: Divide ND 58844–
Landholding Agency: Air Force
Property Number: 189310107
Status: Excess
Reason: Other
Comment: Garbage Incinerator.

Bldg. 119
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320034
Status: Unutilized
Reason: Secured Area.

Bldg. 191
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320035
Status: Unutilized
Reason: Secured Area.

Bldg. 490
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320036
Status: Unutilized
Reason: Secured Area.

Bldg. 509
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320037
Status: Unutilized
Reason: Secured Area.

Bldg. 526
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320038
Status: Unutilized
Reason: Secured Area.

Bldg. 895
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320039
Status: Unutilized
Reason: Secured Area.

Bldg. 1019
Minot Air Force Base
Minot Co: Ward ND 58701–
Landholding Agency: Air Force
Property Number: 189320040
Status: Unutilized
Reason: Secured Area.

Ohio

Bldg. 404, Hydrant Fuel
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220015
Status: Unutilized
Reason: Secured Area.

Bldg. 405, Test Cell
910 Airlift Group
Kings-Graves Road
Vienna Co: Trumbull OH 44473–5000
Landholding Agency: Air Force
Property Number: 189220016
Status: Unutilized
Reason: Secured Area.

Puerto Rico

Bldg. 10
Punta Salinas Radar Site
Toa Baja Co: Toa Baja PR 00759–
Landholding Agency: Air Force
Property Number: 189010544
Status: Underutilized
Reason: Secured Area.

Rhode Island

Bldg. 32
Naval Underwater Systems Center
Gould Island Annex
Middletown Co: Newport RI 02840–
Landholding Agency: Navy
Property Number: 779010273
Status: Excess
Reason: Secured Area.

South Dakota

Bldg. 88513
Ellsworth Air Force Base
Porter Avenue
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210001
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 88501
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189210002
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 200, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320048
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 201, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320049
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 203, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320050
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 204, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320051
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 205, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320052
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 206, South Nike Ed Annex
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320053
Status: Unutilized
Reason: Extension deterioration.

Bldg. 00605
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189320054
Status: Underutilized
Reason: Secured Area.

Bldg. 88535
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340032
Status: Unutilized
Reason: Secured Area.

Bldg. 88470
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340033
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 88304
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340034
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extension deterioration.

Bldg. 9011
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 7506
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340037
Status: Unutilized
Reason: Secured Area.

Bldg. 6908
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; other; Secured Area.
Comment: Extensive deterioration.

Bldg. 6904
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189340039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other; Secured Area.
Comment: Extensive deterioration.

Bldg. 4102

Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340040
Status: Unutilized
Reason: Secured Area.

Bldg. 4101
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340041
Status: Unutilized
Reason: Secured Area.

Bldg. 4100
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340042
Status: Unutilized
Reason: Secured Area.

Bldg. 3016
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other, Secured Area
Comment: Waste treatment bldg.

Bldg. 1115
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340044
Status: Unutilized
Reason: Secured Area.

Bldg. 1210
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340045
Status: Unutilized
Reason: Secured Area.

Bldg. 1112
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340046
Status: Unutilized
Reason: Secured Area.

Bldg. 1110
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340047
Status: Unutilized
Reason: Secured Area.

Bldg. 606
Ellsworth Air Force Base
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 6905, Ellsworth AFB
Ellsworth AFB Co: Mead SD 57706–
Landholding Agency: Air Force
Property Number: 189340010
Status: Underutilized
Reason: Secured Area.

Bldg. 1208
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189520009
Status: Unutilized
Reason: Secured Area.

Bldg. 7245
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189520010
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.

Bldg. 7502
Ellsworth Air Force Base
Ellsworth AFB Co: Meade SD 57706–
Landholding Agency: Air Force
Property Number: 189520011
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1111
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189610005
Status: Unutilized
Reason: Secured Area.

Bldg. 1213
Ellsworth Air Force Base
Ellsworth AFB Co: Pennington SD 57706–
Landholding Agency: Air Force
Property Number: 189610006
Status: Unutilized
Reason: Secured Area.

Texas

Bldg. 400
Laughlin Air Force Base
Val Verde Co. Co: Val Verde TX 78843–5000
Location: Six miles on Highway 90 east of Del Rio, Texas.
Landholding Agency: Air Force
Property Number: 189010173
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone.

Bldg. 40
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420014
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 107
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420015
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 119
Laughlin Air Force Base Co: Val Verde TX 78843–5000
Landholding Agency: Air Force
Property Number: 189420016
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 00153
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air Force
Property Number: 189540017
Status: Unutilized
Reason: Secured Area.

Bldg. 03130
Reese Air Force Base
Lubbock Co: Lubbock TX 79489–5000
Landholding Agency: Air force
Property Number: 189540018
Status: Unutilized
Reason: Secured Area.

Bldg. 2426
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010279
Status: Underutilized
Reason: Floodway.

Bldg. 2432
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010280
Status: Underutilized
Reason: Floodway.

Bldg. 2476
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010281
Status: Underutilized
Reason: Floodway.

Bldg. 2498
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010282
Status: Underutilized
Reason: Floodway.

Bldg. 2504
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010283
Status: Underutilized
Reason: Floodway.

Bldg. 1730
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010284
Status: Underutilized
Reason: Floodway.

Bldg. 2422
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010285
Status: Underutilized
Reason: Floodway.

Bldg. 2425
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010286
Status: Underutilized
Reason: Floodway.

Bldg. 2430
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010287
Status: Underutilized
Reason: Floodway.

Bldg. 2434
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–

Landholding Agency: Navy
Property Number: 779010288
Status: Underutilized
Reason: Floodway.

Bldg. 2449
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010289
Status: Underutilized
Reason: Floodway.

Bldg. 2450
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010290
Status: Underutilized
Reason: Floodway.

Bldg. 2453
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010291
Status: Underutilized
Reason: Floodway.

Bldg. 2455
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010292
Status: Underutilized
Reason: Floodway.

Bldg. 2456
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010293
Status: Underutilized
Reason: Floodway.

Bldg. 2463
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010294
Status: Underutilized
Reason: Floodway.

Bldg. 2483
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010295
Status: Underutilized
Reason: Floodway.

Bldg. 2516
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010296
Status: Underutilized
Reason: Floodway.

Bldg. 2524
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010297
Status: Underutilized
Reason: Floodway.

Bldg. 2528
Laguna Shores Housing Area
Corpus Christi Co: Nueces TX 78419–
Landholding Agency: Navy
Property Number: 779010298
Status: Underutilized
Reason: Floodway.

Utah

Bldg. 789
Hill Air Force Base
(See County) Co: Davis UT 84056–
Landholding Agency: Air Force
Property Number: 189040859
Status: Unutilized
Reason: Within airport runway clear zone Secured Area.

Virginia

Bldg. 63
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520035
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 244
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520036
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 286
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520037
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 416
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520038
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 521
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520039
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 539
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520040
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 760
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520041
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area. Extensive deterioration.

Bldg. 763
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520042
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1335
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1488
Norfolk Naval Shipyard
Portsmouth VA 23709–
Landholding Agency: Navy
Property Number: 779520044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Washington

Bldg. 640
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010139
Status: Unutilized
Reason: Secured Area.

Bldg. 641
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010140
Status: Unutilized
Reason: Secured Area.

Bldg. 642
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010141
Status: Unutilized
Reason: Secured Area.

Bldg. 643
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010142
Status: Unutilized
Reason: Secured Area.

Bldg. 645
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010143
Status: Unutilized
Reason: Secured Area.

Bldg. 646
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010144
Status: Unutilized
Reason: Secured Area.

Bldg. 647
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010145
Status: Unutilized
Reason: Secured Area.

Bldg. 1415
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010146
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1429
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010147
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1464
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010148
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1465
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010149
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 1466
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010150
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area.

Bldg. 3503
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010151
Status: Unutilized
Reason: Secured Area.

Bldg. 3504
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010152
Status: Unutilized
Reason: Secured Area.

Bldg. 3505
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010153
Status: Unutilized
Reason: Secured Area.

Bldg. 3506
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010154
Status: Unutilized
Reason: Secured Area.

Bldg. 3507
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010155
Status: Unutilized
Reason: Secured Area.

Bldg. 3510
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010156
Status: Unutilized
Reason: Secured Area.

Bldg. 3514
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010157
Status: Unutilized
Reason: Secured Area.

Bldg. 3518
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010158
Status: Unutilized
Reason: Secured Area.

Bldg. 3521
Fairchild AFB
Fairchild Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010159
Status: Unutilized
Reason: Secured Area.

Bldg. 100, Geiger Heights
Grove and Hallet Streets
Fairchild AFB Co: Spokane WA 99204–
Landholding Agency: Air Force
Property Number: 189210004
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 261
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310053
Status: Unutilized
Reason: Secured Area.

Bldg. 284
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310054
Status: Unutilized
Reason: Secured Area.

Facility 923
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310055
Status: Unutilized
Reason: Secured Area.

Bldg. 1330
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310056
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1336
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310057
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2000
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310058
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2143
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310059
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2385
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310060
Status: Unutilized
Reason: Secured Area.

Bldg. 3509
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310061
Status: Unutilized
Reason: Secured Area.

Bldg. 1405
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310062
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1468
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310063
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1469
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310064
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 2450
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189310065
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 1, Waste Annex
West of Craig Road Co: Spokane WA 99022–
Landholding Agency: Air Force
Property Number: 189320043
Status: Unutilized
Reason: Secured Area.

Bldg. 1220
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1224
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330092
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2004
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330093
Status: Unutilized
Reason: Secured Area.

Bldg. 2018
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330094
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2150
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 2164
Fairchild Air Force Base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189330096
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 57
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 47 (Report 1)
Naval Supply Center Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010230
Status: Unutilized
Reason: Secured Area.

Bldg. 14
Naval Undersea Warfare Center Div., Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779440001
Status: Unutilized
Reason: Secured Area.

Bldg. 39
Naval Undersea Warfare Center Co: Kitsap WA 98345–
Landholding Agency: Navy
Property Number: 779510020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Wisconsin

Bldg. 204, 440 Airlift Wing
Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320032
Status: Unutilized
Reason: Secured Area.

Bldg. 306, 440 Airlift Wing
Gen. Mitchell IAP
Milwaukee Co: Milwaukee WI 53207–6299
Landholding Agency: Air Force
Property Number: 189320033
Status: Unutilized
Reason: Secured Area.

Wyoming

Bldg. 31
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010198
Status: Unutilized
Reason: Secured Area.

Bldg. 34
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010199
Status: Unutilized
Reason: Secured Area.

Bldg. 37
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010200
Status: Unutilized
Reason: Secured Area.

Bldg. 284
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010201
Status: Unutilized
Reason: Secured Area.

Bldg. 385
F.E. Warren Air Force Base
Cheyenne Co: Laramie WY 82005–
Landholding Agency: Air Force
Property Number: 189010202
Status: Unutilized
Reason: Secured Area.

Bldg. 2780
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240005
Status: Unutilized
Reason: Secured Area.

Bldg. 2781
Warren Air Force Base
Cheyenne Co: Laramie WY 82005–5000
Landholding Agency: Air Force
Property Number: 189240006
Status: Unutilized
Reason: Secured Area.

Land (by State)

Alaska

Campion Air Force Station
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010430
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: isolated and remote area; Arctic environment.

Lake Louise Recreation
21 CSG–DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010431
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road
Comment: Isolated and remote area; Arctic coast.

Nikolski Radio Relay Site
21 CSG/DEER
Elmendorf AFB Co: Anchorage AK 99506–5000
Landholding Agency: Air Force
Property Number: 189010432
Status: Unutilized
Reason: Other; Isolated area; Not accessible by road.
Comment: Isolated and remote area; Arctic coast.

California

Naval Air Station, Miramar
SAn Diego Co: San Diego CA 92145–5005
Landholding Agency: Navy
Property Number: 779440026
Status: Underutilized
Reason: Within airport runway clear zone; Other
Comment: Inaccessible.

Florida

Land
MacDill Air Force Base
6601 S. Manhattan Avenue
Tampa Co: Hillsborough FL 33608–
Landholding Agency: Air Force
Property Number: 189030003
Status: Excess
Reason: Floodway.

Boca Chica Field
Naval Air Station
Key West Co: Monroe FL 23040–
Landholding Agency: Navy
Property Number: 779010097
Status: Unutilized
Reason: Floodway.

East Martello Battery #2
Naval Air Station
Key West Co: Monroe FL 33040–
Landholding Agency: Navy
Property Number: 779010275
Status: Excess
Reason: Within airport runway clear zone.

Georgia

Naval Submarine Base
Grid G–5 to G–10 to Q–6 to P–2
Kings Bay Co: Camden GA 31547–
Landholding Agency: Navy
Property Number: 779010228
Status: Underutilized
Reason: Secured Area.

Maryland

Land
Brandywine Storage Annex
1776 ABW/DE Brandywine Road, Route 381
Andrews AFB Co: Prince Georges MD 20613–
Landholding Agency: Air Force
Property Number: 189010263
Status: Unutilized
Reason: Secured Area.

5,635 sq. ft. of Land
Solonon's Annex
Solomon's MD
Landholding Agency: Navy
Property Number: 779230001
Status: Excess
Reason: Other
Comment: Drainage Ditch.

New Mexico

Facility 75100
Holloman Air Force Base Co: Otero NM 88330–
Landholding Agency: Air Force
Property Number: 189240043
Status: Unutilized
Reason: Secured Area.

Puerto Rico

Destino Tract
Eastern Maneuver Area
Vieques PR 00765–
Landholding Agency: Navy
Property Number: 779240016
Status: Excess
Reason: Other
Comment: Inaccessible.

Punta Figueras—Naval Station
Ceiba PR 00735–
Landholding Agency: Navy
Property Number: 779240017
Status: Excess
Reason: Floodway.

South Dakota

Badlands Bomb Range
60 miles southeast of Rapid City, SD
1½ miles south of Highway 44 Co: Shannon SD
Landholding Agency: Air Force
Property Number: 189210003
Status: Unutilized
Reason: Secured Area.

Virginia

Parcel 1 (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010435
Status: Unutilized
Reason: Floodway.

Parcel 3, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Parcel 2, (Byrd Field)
Richmond IAP
5680 Beulah Road
Richmond Co: Henrico VA 23150–
Landholding Agency: Air Force
Property Number: 189010437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

ANG Site
Camp Pendleton
Virginia Air National Guard
Virginia Beach Co: (See County) VA 23451–
Landholding Agency: Air Force
Property Number: 189010589
Status: Unutilized
Reason: Secured Area.

Washington

Fairchild AFB
SE corner of base
Fairchild AFB Co: Spokane WA 99011–
Landholding Agency: Air Force
Property Number: 189010137
Status: Unutilized
Reason: Secured Area.

Fairchild AFB
Fairchild AFB Co: Spokane WA 99011–
Location: NW corner of base
Landholding Agency: Air Force
Property Number: 189010138
Status: Unutilized
Reason: Secured Area.

Land (Report 2), 234 acres
Naval Supply Center, Puget Sound
Manchester Co: Kitsap WA 98353–
Landholding Agency: Navy
Property Number: 779010231
Status: Unutilized
Reason: Secured Area.

[FR Doc. 96–4436 Filed 2–29–96; 8:45 am]

BILLING CODE 4210–29–M

federal register

Friday
March 1, 1996

Part III

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95D–0217]

International Conference on Harmonisation; Final Guideline on the Need for Long-Term Rodent Carcinogenicity Studies of Pharmaceuticals; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a final guideline entitled ''Guideline on the Need for Long-Term Rodent Carcinogenicity Studies of Pharmaceuticals.'' The guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guideline is intended to define the conditions for which carcinogenicity studies should be conducted, to provide guidance to avoid the unnecessary use of animals in testing, and to provide consistency in worldwide regulatory assessments of applications.

DATES: Effective March 1, 1996. Submit written comments at any time.

ADDRESSES: Submit written comments on the guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. Copies of the guideline are available from the Division of Communications Management (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1012. An electronic version of this guideline is also available via Internet by connecting to the CDER file transfer protocol (FTP) server (CDVS2.CDER.FDA.GOV).

FOR FURTHER INFORMATION CONTACT:

Regarding the guideline: Joy A. Cavagnaro, Center for Biologics Evaluation and Research (HFM–500), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0379.

Regarding ICH: Janet Showalter, Office of Health Affairs (HFY–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In the Federal Register of August 21, 1995 (60 FR 43498), FDA published a draft tripartite guideline entitled ''Conditions Which Require Carcinogenicity Studies for Pharmaceuticals.'' The notice gave interested persons an opportunity to submit comments by October 5, 1995.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies at the ICH meeting held on November 29, 1995.

The guideline is intended to define the conditions for which carcinogenicity studies should be conducted, to provide guidance to avoid the unnecessary use of animals in testing, and to provide consistency in worldwide regulatory assessments of applications. The objectives of carcinogenicity studies are to identify a tumorigenic potential in animals and to understand the potential for such risk in humans. Any cause for concern derived from laboratory investigations, animal toxicity studies, and data in humans may lead to a need for carcinogenicity studies. The fundamental considerations in assessing the need for carcinogenicity studies are the maximum duration of patient treatment and any perceived cause for concern arising from other investigations. Other factors may also be considered such as the intended patient population, prior assessment of carcinogenic potential, the extent of systemic exposure, the (dis)similarity to endogenous substances, the appropriate study design, or the timing of study performance relative to clinical development.

In the past, guidelines have generally been issued under § 10.90(b) (21 CFR 10.90(b)), which provides for the use of guidelines to state procedures or standards of general applicability that are not legal requirements but are acceptable to FDA. The agency is now in the process of revising § 10.90(b). Although this guideline does not create or confer any rights on or for any person and does not operate to bind FDA in any way, it does represent the agency's current thinking on long-term rodent carcinogenicity studies of pharmaceuticals.

As with all of FDA's guidelines, the public is encouraged to submit written comments with new data or other new information pertinent to this guideline. The comments in the docket will be periodically reviewed, and, where appropriate, the guideline will be amended. The public will be notified of any such amendments through a notice in the Federal Register.

Interested persons may, at any time, submit written comments on the final guideline to the Dockets Management Branch (address above). 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 found in brackets in the heading of this document. The guideline and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

The text of the guideline follows:

Guideline on the Need for Long-Term Rodent Carcinogenicity Studies of Pharmaceuticals

1. Introduction

The objectives of carcinogenicity studies are to identify a tumorigenic potential in

animals and to assess the relevant risk in humans. Any cause for concern derived from laboratory investigations, animal toxicology studies, and data in humans may lead to a need for carcinogenicity studies. The practice of requiring carcinogenicity studies in rodents was instituted for pharmaceuticals that were expected to be administered regularly over a substantial part of a patient's lifetime. The design and interpretation of the results from these studies preceded much of the available current technology to test for genotoxic potential and the more recent advances in technologies to assess systemic exposure. These studies also preceded our current understanding of tumorigenesis with nongenotoxic agents. Results from genotoxicity studies, toxicokinetics, and mechanistic studies can now be routinely applied in preclinical safety assessment. These additional data are important not only in considering whether to perform carcinogenicity studies but for interpreting study outcomes with respect to relevance for human safety. Since carcinogenicity studies are time consuming and resource intensive, they should be performed only when human exposure warrants the need for information from life-time studies in animals in order to assess carcinogenic potential.

2. Historical Background

In Japan, according to the 1990 ''Guidelines for Toxicity Studies of Drugs Manual,'' carcinogenicity studies were needed if the clinical use was expected to be continuously for 6 months or longer. If there was cause for concern, pharmaceuticals generally used continuously for less than 6 months may have needed carcinogenicity studies. In the United States, most pharmaceuticals were tested in animals for their carcinogenic potential before widespread use in humans. According to the U.S. Food and Drug Administration, pharmaceuticals generally used for 3 months or more necessitated carcinogenicity studies. In Europe, the Rules Governing Medicinal Products in the European Community defined the circumstances when carcinogenicity studies were required. These circumstances included administration over a substantial period of life, i.e., continuously during a minimum period of 6 months or frequently in an intermittent manner so that the total exposure was similar.

3. Objective of the Guideline

The objective of this guideline is to define the conditions under which carcinogenicity studies should be conducted to avoid the unnecessary use of animals in testing, and to provide consistency in worldwide regulatory assessments of applications. It is expected that these studies will be performed in a manner that reflects currently accepted scientific standards.

The fundamental considerations in assessing the need for carcinogenicity studies are the maximum duration of patient treatment and any perceived cause for concern arising from other investigations. Other factors may also be considered such as the intended patient population, prior assessment of carcinogenic potential, the extent of systemic exposure, the (dis)similarity to endogenous substances, the appropriate study design, or the timing of study performance relative to clinical development.

4. Factors to Consider for Carcinogenicity Testing

4.1 Duration and Exposure

Carcinogenicity studies should be performed for any pharmaceutical whose expected clinical use is continuous for at least 6 months (see Note 1).

Certain classes of compounds may not be used continuously over a minimum of 6 months but may be expected to be used repeatedly in an intermittent manner. It is difficult to determine and to justify scientifically what time represents a clinically relevant treatment period for frequent use with regard to carcinogenic potential, especially for discontinuous treatment periods. For pharmaceuticals used frequently in an intermittent manner in the treatment of chronic or recurrent conditions, carcinogenicity studies are generally needed. Examples of such conditions include allergic rhinitis, depression, and anxiety. Carcinogenicity studies may also need to be considered for certain delivery systems which may result in prolonged exposures. Pharmaceuticals administered infrequently or for short duration of exposure (e.g., anesthetics and radiolabeled imaging agents) do not need carcinogenicity studies unless there is cause for concern.

4.2 Cause for Concern

Carcinogenicity studies may be recommended for some pharmaceuticals if there is concern about their carcinogenic potential. Criteria for defining these cases should be very carefully considered because this is the most important reason to conduct carcinogenicity studies for most categories of pharmaceuticals. Several factors which could be considered may include: (1) Previous demonstration of carcinogenic potential in the product class that is considered relevant to humans; (2) structure-activity relationship suggesting carcinogenic risk; (3) evidence of preneoplastic lesions in repeated dose toxicity studies; and (4) long-term tissue retention of parent compound or metabolite(s) resulting in local tissue reactions or other pathophysiological responses.

4.3 Genotoxicity

Unequivocally genotoxic compounds, in the absence of other data, are presumed to be transspecies carcinogens, implying a hazard to humans. Such compounds need not be subjected to long-term carcinogenicity studies. However, if such a drug is intended to be administered chronically to humans, a chronic toxicity study (up to 1 year) may be necessary to detect early tumorigenic effects.

Assessment of the genotoxic potential of a compound should take into account the totality of the findings and acknowledge the intrinsic value and limitations of both in vitro and in vivo tests. The test battery approach of in vitro and in vivo tests is designed to reduce the risk of false negative results for compounds with genotoxic potential. A single positive result in any assay for genotoxicity does not necessarily mean that the test compound poses a genotoxic hazard to humans (see the ICH Guideline on Specific Aspects of Regulatory Genotoxicity Tests).

4.4 Indication and Patient Population

When carcinogenicity studies are required they usually need to be completed before application for marketing approval. However, completed rodent carcinogenicity studies are not needed in advance of the conduct of large scale clinical trials unless there is special concern for the patient population.

For pharmaceuticals developed to treat certain serious diseases, carcinogenicity testing need not be conducted before market approval although these studies should be conducted post-approval. This speeds the availability of pharmaceuticals for life-threatening or severely debilitating diseases, especially where no satisfactory alternative therapy exists.

In instances where the life-expectancy in the indicated population is short (i.e., less than 2 to 3 years), no long-term carcinogenicity studies may be required. For example, oncolytic agents intended for treatment of advanced systemic disease do not generally need carcinogenicity studies. In cases where the therapeutic agent for cancer is generally successful and life is significantly prolonged, there may be later concerns regarding secondary cancers. When such pharmaceuticals are intended for adjuvant therapy in tumor free patients or for prolonged use in noncancer indications, carcinogenicity studies are usually needed.

4.5 Route of Exposure

The route of exposure in animals should be the same as the intended clinical route when feasible (see the ICH Guideline on Dose Selection for Carcinogenicity Studies of Pharmaceuticals). If similar metabolism and systemic exposure can be demonstrated by differing routes of administration, carcinogenicity studies should only be conducted by a single route, recognizing that it is important that relevant organs for the clinical route (e.g., lung for inhalational agents) be adequately exposed to the test material. Evidence of adequate exposure may be derived from pharmacokinetic data (see the ICH Guideline on Repeated Dose Tissue Distribution Studies).

4.6 Extent of Systemic Exposure

Pharmaceuticals applied topically (e.g., dermal and ocular routes of administration) may need carcinogenicity studies. Pharmaceuticals showing poor systemic exposure from topical routes in humans may not need studies by the oral route to assess the carcinogenic potential to internal organs. Where there is cause for concern for photocarcinogenic potential, carcinogenicity studies by dermal application (generally in mice) may be needed. Pharmaceuticals administered by the ocular route may not need carcinogenicity studies unless there is cause for concern or unless there is significant systemic exposure.

For different salts, acids, or bases of the same therapeutic moiety, where prior carcinogenicity studies are available, evidence should be provided that there are

no significant changes in pharmacokinetics, pharmacodynamics, or toxicity. When changes in exposure and consequent toxicity are noted, additional bridging studies may be used to determine whether additional carcinogenicity studies are needed. For esters and complex derivatives, similar data would be valuable in assessing the need for an additional carcinogenicity study, but this should be considered on a case-by-case basis.

4.7 Endogenous Peptides and Protein Substances or Their Analogs

Endogenous peptides or proteins and their analogs produced by chemical synthesis, by extraction/purification from an animal/human source, or by biotechnological methods such as recombinant DNA technology, may require special considerations.

Carcinogenicity studies are not generally needed for endogenous substances given essentially as replacement therapy (i.e., physiological levels), particularly where there is previous clinical experience with similar products (e.g., animal insulins, pituitary-derived growth hormone, and calcitonin).

Although not usually necessary, long-term carcinogenicity studies in rodent species should be considered for the other biotechnology products noted above if indicated by the treatment duration, clinical indication, or patient population (provided neutralizing antibodies are not elicited to such an extent in repeated dose studies as to invalidate the results). Conduct of carcinogenicity studies may be important in the following circumstances: (1) For products where there are significant differences in biological effects to the natural counterpart(s); (2) for products where modifications lead to significant changes in structure compared to the natural counterpart; and (3) for products resulting in humans in a significant increase over the existing local or systemic concentration (i.e., pharmacological levels).

5. Need for Additional Testing

The relevance of the results obtained from animal carcinogenicity studies for assessment of human safety are often cause for debate. Further research may be needed, investigating the mode of action, which may result in confirming the presence or the lack of carcinogenic potential for humans. Mechanistic studies are useful to evaluate the relevance of tumor findings in animals for human safety.

Supplementary Note

Note 1: It is expected that most pharmaceuticals indicated for 3-months treatment would also likely be used for 6 months. In an inquiry to a number of pharmaceutical research and regulatory groups, no cases were identified in which a pharmaceutical would be used only for 3 months.

Dated: February 23, 1996

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–4791 Filed 2–29–96; 8:45 am]

BILLING CODE 4160–01–F

federal register

Friday
March 1, 1996

Part IV

Department of Education

34 CFR Part 345

State Grants Program for Technology-Related Assistance for Individuals With Disabilities; Final Rule

DEPARTMENT OF EDUCATION

34 CFR Part 345

RIN 1820–AB28

State Grants Program for Technology-Related Assistance for Individuals With Disabilities

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary issues these final regulations for the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. This program provides grants to States to support systems change and advocacy activities designed to assist States in developing and implementing consumer-responsive comprehensive Statewide programs of technology-related assistance. These regulations are needed to implement the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994. The final regulations incorporate statutory requirements and provide rules for applying for and spending Federal funds under this program.

EFFECTIVE DATES: These regulations take effect April 1, 1996. Compliance with §§ 345.30, 345.31, 345.42, 345.50, 345.53, and 345.55 is not required until the information collection requirements in those sections have been approved by the Office of Management and Budget (OMB).

FOR FURTHER INFORMATION CONTACT: Carol G. Cohen. Telephone: (202) 205–5666. 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 a.m. and 5 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: These proposed regulations would implement Title I of the Technology-Related Assistance for Individuals with Disabilities Act of 1988 (the Act), as amended by the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994 (1994 Amendments) (Pub. L. 103–218, enacted March 9, 1994). Title I of the Act establishes the State Grants Program for Technology-Related Assistance for Individuals with Disabilities. This program provides grants to States to support systems change and advocacy activities designed to assist States in developing and implementing consumer-responsive comprehensive Statewide programs of technology-related assistance.

On August 9, 1995, the Secretary published a notice of proposed rulemaking for this program in the Federal Register (60 FR 40688). The preamble to the notice of proposed rulemaking (60 FR 40688 - 40690) included a summary and discussion of the 1994 Amendments and other major issues that were addressed in the proposed regulations.

Analysis of Comments and Changes

In response to the Secretary's invitation in the notice of proposed rulemaking, 5 parties submitted comments on the proposed regulations, including one letter that represented the comments of 28 parties. An analysis of the comments and of the changes in the regulations since publication of the notice of proposed rulemaking follows.

Major issues are grouped according to subject, with appropriate sections of the regulations referenced in parentheses. Technical and other minor changes are not addressed.

Purposes of the Program (§ 345.2)

Comments: Commenters stated that the proposed § 345.2 omitted two purposes pertaining to Federal policy as contained in sections 2(b) (2) and (3) of the Act. The commenters recommended that the Secretary include all purposes of the Act.

Discussion: The Secretary listed in the proposed regulations only those purposes in section 2(b)(1) of the Act because section 102(e)(7) of the Act specifically requires States to make an assurance that it will carry out activities to meet the purposes in section 2(b)(1). The Secretary did not intend to imply that sections 2(b) (2) and (3) were not important purposes of the Act. The Secretary believes that the purposes in sections 2(b) (2) and (3) authorize, but do not require, grantees to carry out activities to accomplish these purposes. Therefore, the Secretary believes that a reference to these purposes in the regulatory provision that lists allowable program activities is necessary.

Changes: The Secretary adds the purposes in sections 2(b)(2) and (3) of the Act to § 345.2. In addition, the Secretary adds paragraph (4) to § 345.20(b) to reflect that States may carry out activities that accomplish the purposes in sections 2(b)(2) and (3). All cross-references have been amended to reflect these changes.

Increases in Extension Grants (§ 345.3)

Comments: One commenter urged the Secretary to add the statutory language ''with a wide geographic spread'' in § 345.3 to clarify which States are sparsely populated.

Discussion: The language ''sparsely populated, with a wide geographic spread'' comes directly from the Act in section 103(c)(1)(D)(ii). The Secretary believes that adding the additional statutory language ''with a wide geographic spread'' will help to clarify ''sparsely populated''.

Changes: The Secretary has added the statutory language ''with a wide geographic spread'' as stated in section 103(c)(1)(D)(ii) of the Act.

Public Agencies and Lead Agencies (§ 345.4, 345.5)

Comments: One letter requested a clarification of what constitutes a public agency. The commenter also asked whether a State must designate both a responsible public agency and a lead agency.

Discussion: The regulations already refer to the definition of ''public'' in 34 CFR 77.1. The Secretary believes this definition is sufficient guidance regarding what constitutes a public agency. The Act does not require the lead agency also to be a public agency, but does require that money received from this program must flow through a public agency. Although a structure that uses two agencies could result in additional administrative complexity, the Act permits this type of arrangement which the Secretary is not authorized to change.

Changes: None.

University-Affiliated Program (§ 345.6)

Comments: Commenters thought it would be helpful if the Secretary included in the regulations a notation that a university-affiliated program is generally also a public agency.

Discussion: The Secretary does not believe it is necessary to add the language that the commenters suggested. The Secretary believes it could be confusing to add the word ''generally'' rather than giving a specific rule. Also, the regulations already refer to the definition of public in 34 CFR 77.1, which the Secretary believes is sufficient guidance about whether a university-affiliated program constitutes a public agency. Furthermore, the Developmental Disabilities Assistance and Bill of Rights Act (Developmental Disabilities Assistance Act) specifies that university-affiliated programs are public agencies if they are associated with a public entity.

Changes: None.

Allowable Expenses (§ 345.20(d))

Comments: One commenter stated that the term ''in financial need'' used in § 345.20(d) needs clarification. The commenter stated that many definitions

would include only individuals receiving some State or Federal assistance and would exclude many individuals who might otherwise be unable to participate in the program activities. The commenter also stated that the term ''eligible'' needed clarification.

Commenters also urged the Secretary to add to the list of examples of allowable expenses items such as child care, respite care, drivers, and other supportive services.

Discussion: In implementing this program, the Secretary has attempted to give States and subrecipients the most flexibility and autonomy possible while adhering to the purposes of the statute. The Secretary believes that the State should make determinations regarding financial need and which individuals to support. The Secretary believes this matter is best determined on a case-by-case basis and that a single regulatory rule would not meet all States' concerns. Also, ''eligible'' was used only in the preamble to the notice of proposed rulemaking and not in the proposed regulations. As used in the preamble to the notice of proposed rulemaking, ''eligible'' referred to those participants that the State determined could participate in the program.

Moreover, the regulations allow a State to include the suggested additional examples as allowable expenses. The Secretary believes that each State should have the flexibility to make its own determination about what expenses may be necessary to ensure access to the comprehensive statewide program.

Changes: None.

Development Grant Application Content (§ 345.30(b)(12)(i))

Comments: Commenters expressed their belief that the conjunction between the Developmental Disabilities Assistance Act, the Protection and Advocacy for Mentally Ill Individuals Act, and section 509 of the Rehabilitation Act of 1973 should be an ''or'' rather than an ''and''. The commenters stated that the ''and'' implies that a State must contract with an entity that provides all three of these programs and that in some States multiple entities provide these three programs.

Discussion: The conjunction connecting these three programs is correct because it reflects the language of the Act. Awards under each of these programs are made to the protection and advocacy system designated for each State. Under the Developmental Disabilities Assistance Act, there is only one designated protection and advocacy system for each State.

Changes: None.

Contracting To Provide Protection and Advocacy Services (§ 345.30(b)(12)(ii))

Comments: Commenters advised the Secretary that they believed the regulations omitted a section of the Act that allows States to continue to contract with an entity that is capable of performing the functions that would otherwise be performed by the protection and advocacy services providers.

Discussion: The Secretary provides for that statutory option in § 345.55(a)(i). The Secretary recognizes that the proposed regulations did not refer to that statutory option in the regulatory provisions regarding the content of an application for a development grant. The Secretary believes it would be useful and helpful to users of the regulations to refer to this option in discussing application content.

Changes: In § 345.30(b)(12)(i), the Secretary has added a reference to the provision regarding the statutory option.

Indirect Costs (§ 345.30(b)(14))

Comments: Commenters stated that the Secretary should provide more guidance regarding the implementation of the 10 percent cap on indirect costs. The commenters requested more guidance on whether the 10 percent cap on indirect costs applies to the lead agency, the lead agency's subcontractors, or a combination of both. Another commenter, who is a subcontractor under this program, stated that it had negotiated an agreement, in the capacity as a lead agency, with another U.S. agency to allocate 12.6 percent of its grants to indirect costs. Therefore, the commenter suggested that the final regulations should allow indirect costs for subcontractors to be limited to an approved indirect cost rate, rather than left up to the lead agency to determine.

Discussion: As clearly explained in the preamble to the notice of proposed rulemaking, the amount of indirect costs may not exceed 10 percent of the total amount of the grant as stated in section 102(e)(22) of the Act. Also in the preamble, on page 40689, the Secretary states that the indirect cost rate must be negotiated by the State and the subcontractor or subgrantee. The clarifying language used in the preamble is confusing because there is no authority requiring a State to negotiate an indirect cost rate with a subcontractor or subgrantee; rather, the Secretary strongly encourages States to negotiate indirect cost rates. The Secretary declines to regulate on this issue because the Act leaves how to apportion the indirect cost rate to the discretion of States and the Secretary supports giving States the flexibility to negotiate these rates.

Changes: None.

Compliance With Section 508 of the Rehabilitation Act of 1973 (§ 345.31(d))

Comments: Commenters expressed the belief that, because the Secretary's interpretation of section 508 of the Rehabilitation Act of 1973 (section 508) was broad, the interpretation needed to be clarified in the regulations. These commenters also pointed out that the language in the preamble summarizing this section was overly inclusive because it stated that section 508 would apply to ''all offices, agencies, and entities in a State.'' Furthermore, commenters stated that the Secretary needs to clarify what entities are included as a part of ''the State'' for the purposes of the assurance that the State will comply with guidelines established under section 508.

Discussion: Based on the language in the Act and section 508, the Secretary believes that the requirements of section 508 apply broadly. In the proposed regulations, the Secretary intended to reflect that section 508 applies to the State (including any State offices, agencies, and entities) and all recipients and subrecipients of funds made available to the State under the Act. The Secretary believes it is unnecessary to regulate what entities are encompassed in the term ''the State'' because each State should determine which of its entities are considered part of the State. In addition, the Secretary believes that a State needs only to submit an assurance regarding compliance with section 508. The Secretary believes that a State should determine how it will ensure that its subrecipients comply with section 508.

Changes: Because the language in the preamble and § 345.31(d) was unclear, the Secretary has modified the language to include a reference to any subrecipients. This addition clarifies that all State offices, agencies, and entities are required to comply with section 508.

Reporting Requirement (§ 345.50(b))

Comments: Commenters expressed concern that requiring States to make reports readily available to the public at no extra cost could be burdensome if States may not charge for reasonable duplication and handling costs.

Discussion: This section of the regulations does not allow a State to charge for duplication or handling costs, however, the provision does not require a State to make copies and send them

out to individuals who request the report. The Secretary believes a State could make a report readily available to the public through a variety of means such as putting the report in a location to which the public has access, a library for example, or making the report available electronically. In making a report available to the public, a State should ensure the public's access to the report and realize that using only one method of making a report available may not be sufficient.

Changes: None.

Minimum Amount for Protection and Advocacy Services (§ 345.55)

Comments: Commenters questioned the reliance on the size of a State's grant in determining the minimum amount that a State must expend on protection and advocacy services.

Another commenter stated that the language regarding the minimum funding amounts to be received by the State protection and advocacy systems was confusing. The commenter suggested that the Secretary add the statement in the preamble that there is no statutory limit or ceiling on the amount a State may expend on protection and advocacy services.

Discussion: The Secretary does not rely solely on the size of the State's grant in determining the minimum amount a State must spend on protection and advocacy activities. As required by the Act, the Secretary also considers other factors in determining the minimum protection and advocacy amount. These factors include the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State. Because the Secretary takes the population into account in determining the State's grant, the Secretary believes it is appropriate to base the protection and advocacy minimum primarily on the size of the State's.

The Secretary agrees that the language regarding the minimum funding amounts to be received by the State protection and advocacy systems may be confusing. The Secretary has clarified the language to specify that a minimum amount is established for each State and the minimum amount may range from $40,000 to $100,000. However, the Secretary does not believe it is necessary to include in the regulations the explanatory language used in the preamble. The preamble and regulations clearly explain that each State may have a different minimum amount and that there is no maximum amount. Additional regulations on this issue are unnecessary.

Changes: In § 345.55(e)(2)(ii), the Secretary has clarified the language regarding the minimum amount.

State Redesignation of Protection and Advocacy Service Providers (§ 345.63)

Comments: One commenter suggested that the Secretary specify the hearing and posthearing procedures for cases that reach the Secretary or incorporate the procedures that address redesignation under the Developmental Disabilities Assistance Act. The commenter also suggested that the Secretary require the type of notice and specific timelines for giving individuals with disabilities and their representatives timely notice and an opportunity for public comment.

In addition, the commenter made some suggestions regarding how to give notification in an accessible format. The commenter suggested that individuals be able to offer verbal or written comments in addition to any public meetings.

Lastly, the commenter noted that the standard to meet the protection and advocacy service needs in § 345.63(a) is too high because of limited available resources. The commenter suggested that the Secretary require that an entity providing services may be changed only if the protection and advocacy entity does not set priorities, goals, and objectives in consultation with consumers and work toward achieving those priorities, goals, and objectives.

Discussion: The Secretary believes using ''redesignate'' in this context is confusing because of the particular meaning of ''redesignate'' in the Developmental Disabilities Assistance Act. The procedures outlined in § 345.63 apply only to situations in which the State determines that the entity providing protection and advocacy services under the Act has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives under the Act. This process is not to be confused with the redesignation of a protection and advocacy agency when the entire agency is in jeopardy. If a protection and advocacy agency is being redesignated, then the procedures in the Developmental Disabilities Assistance Act will govern.

The Secretary believes it is unnecessary to regulate the amount of time and the format for giving notice and opportunity for public comment. Section 345.30(b)(9) requires States to assure that they will make available to individuals with disabilities and their family members information concerning technology-related assistance in a form that will allow individuals to effectively use the information. The Secretary believes that States are capable of making determinations regarding how to make information available and how to give notice and to accept comments. Therefore, the Secretary gives States flexibility to set their own procedures.

The Secretary disagrees with the commenter's belief that the standard in § 345.63(a) is too high given a limited amount of resources. Before a protection and advocacy services provider may be changed, the regulations require that there must be good cause to provide the protection and advocacy services for the State through a contract with a second entity. If the only reason a protection and advocacy entity cannot meet the needs is because of limited resources, other protection and advocacy entities will face the same difficulties. If the State chooses to change a protection and advocacy services provider under the Act, it may not change the provider simply because the protection and advocacy entity does not have enough resources to meet all the protection and advocacy services needs; the State must also find another provider that it believes can better meet the needs.

The Secretary believes that the State and the protection and advocacy services provider should work together to define an acceptable and reasonable scope of work based on the amount of resources available. Ideally the State and the protection and advocacy services provider would negotiate to agree on deliverable services and expected outcomes.

Changes: The Secretary changes the title of § 345.63 so that changing a protection and advocacy service provider under the Act is not confused with redesignating a protection and advocacy entity.

Technical Assistance

Comments: Commenters pointed out that, on page 40689 of the preamble, the Secretary made reference to providing information and technical assistance to participating States, as well as to individuals with disabilities, but that there was no mention of the provision of technical assistance in the regulations.

Discussion: The provision of technical assistance is an activity performed by the Secretary and, thus, is not required to be in regulations. As a general Department policy, regulations are for grantees' use and compliance and not for the purpose of regulating the Department.

Changes: None.

Performance Guidelines

Comments: Commenters noted that the language regarding performance guidelines on pages 40689–40690 of the preamble was not in the regulations and existed only in the preamble. The commenters suggested that the Secretary clarify the language. They also suggested that the guidelines should be distributed well in advance of progress report and application deadlines to allow States to collect needed information and to understand what is expected of them.

Discussion: The Department is currently developing the performance guidelines with input from the States. Once the performance guidelines are finalized the Secretary will make them available to the States. Under a new Department policy regarding non-competing continuation grants, the Department will not require submissions of project performance reports until seven months after the beginning of a project period at the earliest. Thus, the guidelines will be available well in advance of any reporting deadlines. The Secretary expects the performance guidelines to remain the same for the entire authorization of the program. Therefore, grantees may use the same guidelines every year and will know exactly what is expected of them.

Because these guidelines are not binding, the Secretary will not publish the guidelines in the regulations.

Changes: None.

Recycling Devices

Comments: Commenters suggested that in order for the Secretary to administer the recycling of assistive technology devices as discussed on page 40690 of the preamble, he would need to formally encourage individuals and provide information regarding who to call to facilitate recycling.

Discussion: The Secretary only recommends recycling and cannot mandate recycling because it is allowable, not mandatory, under the Act. The Secretary is gathering information about recycling devices and will provide that information once the Department completes the project.

Changes: None.

Access to Records

Comments: One commenter suggested that the Secretary add requirements similar to the Developmental Disabilities Assistance Act allowing access to client records.

Discussion: The Act does not authorize the Secretary to include provisions regarding access to client records. To the extent the Developmental Disabilities Assistance Act governs a protection and advocacy system, those right of access provisions would apply.

Changes: None.

Executive Order 12866

These final regulations have been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the final regulations are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of these regulations, the Secretary has determined that the benefits of the regulations justify the costs.

Summary of Potential Costs and Benefits

The potential costs and benefits of these final regulations are discussed elsewhere in this preamble under the following heading: *Analysis of Comments and Changes.*

Paperwork Reduction Act of 1995

Sections 345.30, 345.31, 345.42, 345.50, 345.53, and 345.55 contain information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of these sections to the OMB for its review.

Collection of Information: State Grants Program for Technology-Related Assistance for Individuals with Disabilities.

States are eligible to apply for grants under these regulations. The Department needs and uses the information to make grants and to evaluate a recipient's performance. Annual public reporting burden for this collection of information is estimated to be 30 hours per response for 56 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Thus, the total annual reporting and recordkeeping burden for this collection is estimated to be 1,680 hours.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 34 Part 79. The objective of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

Assessment of Educational Impact

Based on the response to the proposed regulations and on its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 345

Disabled, Education, Grant program-education, Handicapped, Reporting and recordkeeping requirements, Science and technology.

Dated: January 16, 1996.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

(Catalog of Federal Domestic Assistance Number 84.224—State Grants Program for Technology-Related Assistance for Individuals with Disabilities)

The Secretary amends Title 34 of the Code of Federal Regulations by revising Part 345 to read as follows:

PART 345—STATE GRANTS PROGRAM FOR TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Subpart A—General

Sec.

345.1 What is the State Grants Program for Technology-Related Assistance for Individuals with Disabilities?
345.2 What are the purposes of the State grants program for technology-related assistance for individuals with disabilities?
345.3 What are the types of awards under this program?
345.4 Who is eligible to receive a development grant?
345.5 What are the responsibilities of the lead agency or public agency in applying for and in administering a development grant?
345.6 How does a State designate the lead agency?
345.7 Who is eligible to receive an extension grant?
345.8 What are the responsibilities of the lead agency in applying for and in administering an extension grant?
345.9 What regulations apply to this program?

345.10 What definitions apply to this program?

Subpart B—What Kinds of Activities Does the Department Support?

345.20 What types of activities are authorized under this program?

Subpart C—How Does a State Apply for a Grant?

345.30 What is the content of an application for a development grant?
345.31 What is the content of an application for an extension grant?

Subpart D—How Does the Secretary Make a Grant?

345.40 How does the Secretary evaluate an application for a development grant under this program?
345.41 What other factors does the Secretary take into consideration in making development grant awards under this program?
345.42 What is the review process for an application for an extension grant?
345.43 What priorities does the Secretary establish?

Subpart E—What Conditions Must Be Met After an Award?

345.50 What are the reporting requirements for the recipients of development and extension grants?
345.51 When is a State making significant progress?
345.52 Who retains title to devices provided under this program?
345.53 What are the requirements for grantee participation in the Secretary's progress assessments?
345.54 How may grant funds be used under this program?
345.55 What are the responsibilities of a State in carrying out protection and advocacy services?

Subpart F—What Compliance Procedures May the Secretary Use?

345.60 Who is subject to a corrective action plan?
345.61 What penalties may the Secretary impose on a grantee that is subject to corrective action?
345.62 How does a State redesignate the lead agency when it is subject to corrective action?
345.63 How does a State change the entity responsible for providing protection and advocacy services?

Authority: 29 U.S.C. 2201–2217, unless otherwise noted.

PART 345—STATE GRANTS PROGRAM FOR TECHNOLOGY-RELATED ASSISTANCE FOR INDIVIDUALS WITH DISABILITIES

Subpart A—General

§ 345.1 What is the State Grants Program for Technology-Related Assistance for Individuals with Disabilities?

This program provides grants to States to support systems change and advocacy activities designed to assist States in developing and implementing consumer-responsive comprehensive Statewide programs of technology-related assistance that accomplish the purposes in § 345.2.

(Authority: 29 U.S.C. 2211(a); Section 101(a) of the Act)

§ 345.2 What are the purposes of the State grants program for technology-related assistance for individuals with disabilities?

The purposes of this program are to provide financial assistance to States to support systems change and advocacy activities designed to assist each State in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance, for individuals with disabilities of all ages, that is designed to—

(a)(1) Increase the availability of, funding for, access to, and provision of, assistive technology devices and assistive technology services;

(2) Increase the active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, in the planning, development, implementation, and evaluation of the program;

(3) Increase the involvement of individuals with disabilities and, if appropriate, their family members, guardians, advocates, or authorized representatives, in decisions related to the provision of assistive technology devices and assistive technology services;

(4) Increase the provision of outreach to underrepresented populations and rural populations, to enable the two populations to enjoy the benefits of programs carried out to accomplish the purposes described in this section to the same extent as other populations;

(5) Increase and promote coordination among State agencies, and between State agencies and private entities, that are involved in carrying out activities under this part, particularly providing assistive technology devices and assistive technology services, that accomplish a purpose described in another paragraph of this section;

(6)(i) Increase the awareness of laws, regulations, policies, practices, procedures, and organizational structures, that facilitate the availability or provision of assistive technology devices and assistive technology services; and

(ii) Facilitate the change of laws, regulations, policies, practices, procedures, and organizational structures, that impede the availability or provision of assistive technology devices and assistive technology services;

(7) Increase the probability that individuals with disabilities of all ages will, to the extent appropriate, be able to secure and maintain possession of assistive technology devices as these individuals make the transition between services offered by human service agencies or between settings of daily living;

(8) Enhance the skills and competencies of individuals involved in providing assistive technology devices and assistive technology services;

(9) Increase awareness and knowledge of the efficacy of assistive technology devices and assistive technology services among—

(i) Individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(ii) Individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(iii) Educators and related services personnel;

(iv) Technology experts (including engineers);

(v) Employers; and

(vi) Other appropriate individuals;

(10) Increase the capacity of public agencies and private entities to provide and pay for assistive technology devices and assistive technology services on a statewide basis for individuals with disabilities of all ages; and

(11) Increase the awareness of the needs of individuals with disabilities for assistive technology devices and for assistive technology services.

(b)(1) Identify Federal policies that facilitate payment for assistive technology devices and assistive technology services.

(2) Identify Federal policies that impede this payment.

(3) Eliminate inappropriate barriers to this payment.

(c) Enhance the ability of the Federal Government to provide States with—

(1) Technical assistance, information, training, and public awareness programs relating to the provision of assistive technology devices and assistive technology services; and

(2) Funding for demonstration projects.

(Authority: 29 U.S.C. 2201(b); Section 2(b) of the Act)

§ 345.3 What are the types of awards under this program?

(a) Under this program, the Secretary—

(1) Awards three-year development grants to assist States in developing and

implementing consumer-responsive comprehensive statewide programs that accomplish the purposes in § 345.2;

(2) May award an initial two-year extension grant to any State that meets the standards in § 345.42(a); and

(3) May award a second extension grant, for a period of not more than 5 years, to any State that meets the standards in § 345.42(b).

(b) The Secretary calculates the amount of the development grants in paragraph (a)(1) of this section on the basis of—

(1) Amounts available for making grants under this part;

(2) The population of the State or territory concerned; and

(3) The types of activities proposed by the State relating to the development of a consumer-responsive comprehensive statewide program of technology-related assistance.

(c) The Secretary calculates the amount of the extension grants in paragraph (a)(2) of this section on the basis of—

(1) Amounts available for making grants;

(2) The population of the State;

(3) The types of assistance proposed by the State in its application; and

(4) A description in its application of the amount of resources committed by the State and available to the State from other sources to sustain the program after federal funding ends.

(d)(1) In providing any increases in initial extension grants in paragraph (a)(2) of this section above the amounts provided to States for Fiscal Year 1993, the Secretary may give priority to States (other than the territories) that—

(i) Have the largest populations, based on the most recent census data; and

(ii) Are sparsely populated, with a wide geographic spread.

(2) To be eligible for the priority in paragraph (d)(1) of this section, the circumstances in paragraphs (d)(1)(i) or (ii) must have impeded the development of a consumer-responsive, comprehensive statewide program of technology-related assistance in a State.

(e) During the fourth and fifth years of a State's second extension grant, the amount received by a State will be reduced to 75% and 50%, respectively, of the amount paid to the State for the third year of the grant.

(Authority: 29 U.S.C. 2212(b), 2213(a), 2213(c)(1)(B) and (2), and 2213(c)(1)(D); Sections 102(b), 103(a), 103(c)(1)(B) and (2), 103(c)(1)(D) of the Act)

§ 345.4 Who is eligible to receive a development grant?

A State is eligible to receive a development grant under this program, provided that the Governor has designated a lead agency to carry out the responsibilities contained in § 345.5.

(Authority: 29 U.S.C. 2212(a)(1) and 2212 (d)(1); Section 102(a) and 102(d)(1) of the Act)

§ 345.5 What are the responsibilities of the lead agency or public agency in applying for and in administering a development grant?

(a) The lead agency is responsible for the following:

(1) Submitting the application containing the information and assurances contained in § 345.30.

(2) Administering and supervising the use of amounts made available under the grant.

(3)(i) Coordinating efforts related to, and supervising the preparation of, the application;

(ii) Coordinating the planning, development, implementation, and evaluation of the consumer-responsive comprehensive statewide program of technology-related assistance among public agencies and between public agencies and private agencies, including coordinating efforts related to entering into interagency agreements; and

(iii) Coordinating efforts related to, and supervising, the active, timely, and meaningful participation by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals, with respect to activities carried out under the grant.

(4) The delegation, in whole or in part, of any responsibilities described in paragraphs (a)(1) through (3) of this section to one or more appropriate offices, agencies, entities, or individuals.

(b) If the lead agency is not a public agency, a public agency shall have the responsibility of controlling and administering amounts received under the grant.

(Authority: 29 U.S.C. 2212(d)(1) and 2212(e)(12)(A); Section 102(d)(1) and 102(e)(12)(A) of the Act)

§ 345.6 How does a State designate the lead agency?

(a) The Governor may designate—

(1) A commission appointed by the Governor;

(2) A public-private partnership or consortium;

(3) A university-affiliated program;

(4) A public agency;

(5) A council established under Federal or State law; or

(6) Another appropriate office, agency, entity, or individual.

(b) The State shall provide evidence that the lead agency has the ability—

(1) To respond to assistive technology needs across disabilities and ages;

(2) To promote the availability throughout the State of assistive technology devices and assistive technology services;

(3) To promote and implement systems change and advocacy activities;

(4) To promote and develop public-private partnerships;

(5) To exercise leadership in identifying and responding to the technology needs of individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(6) To promote consumer confidence, responsiveness, and advocacy; and

(7) To exercise leadership in implementing effective strategies for capacity building, staff and consumer training, and enhancement of access to funding for assistive technology devices and assistive technology services across agencies.

(Authority: 29 U.S.C. 2212(d)(2) and (3); Sections 102(d)(2) and (3) of the Act)

§ 345.7 Who is eligible to receive an extension grant?

A State is eligible to receive an extension grant under this program.

§ 345.8 What are the responsibilities of the lead agency in applying for and in administering an extension grant?

(a) To be eligible to receive an initial extension grant, the lead agency shall—

(1) Submit an application containing the information and assurances in § 345.31; and

(2) Hold a public hearing in the third year of a program carried out under a development grant, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(b) To be eligible to receive a second extension grant, the lead agency shall—

(1) Submit an application containing the information and assurances in § 345.31; and

(2) Hold a public hearing in the second year of a program carried out under an initial extension grant, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(Authority: 29 U.S.C. 2213(d) and (e); Section 103(d) and (e) of the Act)

§ 345.9 What regulations apply to this program?

The following regulations apply to the State Grants Program for Technology-

Related Assistance for Individuals with Disabilities:

(a) The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations);

(2) 34 CFR Part 75 (Direct Grant Programs), except § 75.618;

(3) 34 CFR Part 77 (Definitions That Apply to Department Regulations);

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities);

(5) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), except §§ 80.32(a) and 80.33(a);

(6) 34 CFR Part 81 (General Education Provisions Act—Enforcement);

(7) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)); and

(8) Part 86 (Drug-Free Schools and Campuses).

(b) The regulations in this part.

(Authority: 29 U.S.C. 2201–2217; Sections 101–107 of the Act)

§ 345.10 What definitions apply to this program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR 77.1:

Applicant
Application
Award
Department
EDGAR
Fiscal year
Grant period
Nonprofit
Nonpublic
Private
Project
Project period
Public

(b) *Definitions in the Technology-Related Assistance for Individuals with Disabilities Act of 1988.*

(1) The following terms used in this part are defined in section 3 of the Act:

Advocacy services
Assistive technology device
Assistive technology service
Comprehensive statewide program of technology-related assistance
Consumer-responsive
Disability
Individual with a disability; individuals with disabilities
Institution of higher education
Protection and advocacy services
Secretary
State
Systems change and related activities
Technology-related assistance
Underrepresented population

(2) The following term used in this part is defined in section 102(b)(5) of the Act:

Territory

(d) *Other definitions.* The following definitions also apply to this part:

Initial extension grant means the two-year extension grant following a three-year development grant under this program.

Second extension grant means the extension grant following the initial extension grant under this program. The period of this grant is for a period of not more than 5 years.

(Authority: 29 U.S.C. 2201–2217; Sections 101–107 of the Act)

Subpart B—What Kinds of Activities Does the Department Support

§ 345.20 What type of activities are authorized under this program?

Any State that receives a development or extension grant shall use the funds made available through the grant to accomplish the purposes described in § 345.2(a) and, in accomplishing such purposes, may carry out any of the following systems change and advocacy activities:

(a) Support activities to increase access to, and funding for, assistive technology, including—

(1) The development, and evaluation of the efficacy, of model delivery systems that provide assistive technology devices and assistive technology services to individuals with disabilities, that pay for devices and services, and that, if successful, could be replicated or generally applied, such as—

(i) The development of systems for the purchase, lease, other acquisition, or payment for the provision, of assistive technology devices and assistive technology services; or

(ii) The establishment of alternative State or privately financed systems of subsidies for the provision of assistive technology devices and assistive technology services, such as—

(A) A loan system for assistive technology devices;

(B) An income-contingent loan fund;

(C) A low interest loan fund;

(D) A revolving loan fund;

(E) A loan insurance program; or

(F) A partnership with private entities for the purchase, lease, or other acquisition of assistive technology devices and the provision of assistive technology services;

(2) The demonstration of assistive technology devices, including—

(i) The provision of a location or locations within the State where the following individuals can see and touch assistive technology devices, and learn about the devices from personnel who are familiar with such devices and their applications:

(A) Individuals with disabilities and their family members, guardians, advocates, and authorized representatives;

(B) Education, rehabilitation, health care, and other service providers;

(C) Individuals who work for Federal, State, or local government entities; and

(D) Employers.

(ii) The provision of counseling and assistance to individuals with disabilities and their family members, guardians, advocates, and authorized representatives to determine individual needs for assistive technology devices and assistive technology services; and

(iii) The demonstration or short-term loan of assistive technology devices to individuals, employers, public agencies, or public accommodations seeking strategies to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(3) The establishment of information systems about, and recycling centers for, the redistribution of assistive technology devices and equipment that may include device and equipment loans, rentals, or gifts.

(b) Support activities to—

(1) Identify and coordinate Federal and State policies, resources, and services, relating to the provision of assistive technology devices and assistive technology services, including entering into interagency agreements;

(2) Convene interagency work groups to enhance public funding options and coordinate access to funding for assistive technology devices and assistive technology services for individuals with disabilities of all ages, with special attention to the issues of transition (such as transition from school to work, and transition from participation in programs under part H of the Individuals with Disabilities Education Act (20 U.S.C. 1471 et seq.), to participation in programs under part B of such Act (20 U.S.C. 1411 et seq.)) home use, and individual involvement in the identification, planning, use, delivery, and evaluation of such devices and services; or

(3) Document and disseminate information about interagency activities that promote coordination with respect to assistive technology devices and

assistive technology services, including evidence of increased participation of State and local special education, vocational rehabilitation, and State medical assistance agencies and departments.

(c) Carry out activities to encourage the creation or maintenance of, support, or provide assistance to, statewide and community-based organizations, or systems, that provide assistive technology devices and assistive technology services to individuals with disabilities or that assist individuals with disabilities in using assistive technology devices or assistive technology services. The activities may include outreach to consumer organizations and groups in the State to coordinate the activities of the organizations and groups with efforts (including self-help, support groups, and peer mentoring) to assist individuals with disabilities and their family members, guardians, advocates, or authorized representatives, to obtain funding for, and access to, assistive technology devices and assistive technology services.

(d) Pay for expenses, including travel expenses, and services, including services of qualified interpreters, readers, and personal assistants services that may be necessary to ensure access to the comprehensive statewide program of technology-related assistance by individuals with disabilities who are determined by the State to be in financial need. The expenses must be incurred by participants in activities associated with the state technology program.

(e) Conduct a statewide needs assessment that may be based on data in existence on the date on which the assessment is initiated and may include—

(1) Estimates of the numbers of individuals with disabilities within the State, categorized by residence, type and extent of disabilities, age, race, gender, and ethnicity;

(2) In the case of an assessment carried out under a development grant, a description of efforts, during the fiscal year preceding the first fiscal year for which the State received a grant, to provide assistive technology devices and assistive technology services to individuals with disabilities within the State, including—

(i) The number of individuals with disabilities who received appropriate assistive technology devices and assistive technology services; and

(ii) A description of the devices and services provided;

(3) Information on the number of individuals with disabilities who are in need of assistive technology devices and assistive technology services, and a description of the devices and services needed;

(4) Information on the cost of providing assistive technology devices and assistive technology services to all individuals with disabilities within the State who need such devices and services;

(5) A description of State and local public resources and private resources (including insurance) that are available to establish a consumer-responsive comprehensive statewide program of technology-related assistance;

(6) Information identifying Federal and State laws, regulations, policies, practices, procedures, and organizational structures, that facilitate or interfere with the operation of a consumer responsive comprehensive statewide program of technology related assistance;

(7) A description of the procurement policies of the State and the extent to which such policies will ensure, to the extent practicable, that assistive technology devices purchased, leased, or otherwise acquired with assistance made available through a development or extension grant under this part are compatible with other technology devices, including technology devices designed primarily for use by—

(i) Individuals who are not individuals with disabilities;

(ii) Individuals who are elderly; or

(iii) Individuals with particular disabilities; and

(8) Information resulting from an inquiry about whether a State agency or task force (composed of individuals representing the State and individuals representing the private sector) should study the practices of private insurance companies holding licenses within the State that offer health or disability insurance policies under which an individual may obtain reimbursement for—

(i) The purchase, lease, or other acquisition of assistive technology devices; or

(ii) The use of assistive technology services.

(f) Support—

(1)(i) A public awareness program designed to provide information relating to the availability and efficacy of assistive technology devices and assistive technology services for—

(A) Individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(B) Individuals who work for public agencies, or for private entities (including insurers), that have contact with individuals with disabilities;

(C) Educators and related services personnel;

(D) Technology experts (including engineers);

(E) Employers; and

(F) Other appropriate individuals and entities; or

(ii) Establish and support the program if no such program exists.

(2) A public awareness program that may include the—

(i) Development and dissemination of information relating to the—

(A) Nature of assistive technology devices and assistive technology services;

(B) Appropriateness, cost, and availability of, and access to, assistive technology devices and assistive technology services; and

(C) Efficacy of assistive technology devices and assistive technology services with respect to enhancing the capacity of individuals with disabilities;

(ii) Development of procedures for providing direct communication among public providers of assistive technology devices and assistive technology services and between public providers and private providers of devices and services (including employers); and

(iii) Development and dissemination of information relating to the use of the program by individuals with disabilities and their family members, guardians, advocates, or authorized representatives, professionals who work in a field related to an activity described in this section, and other appropriate individuals.

(g) Carry out directly, or may provide support to a public or private entity to carry out, training and technical assistance activities that—

(1)(i) Are provided for individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals; and

(ii) May include—

(A) Training in the use of assistive technology devices and assistive technology services;

(B) The development of written materials, training, and technical assistance describing the means by which agencies consider the needs of an individual with a disability for assistive technology devices and assistive technology services in developing, for the individual, any individualized education program described in section 614(a)(5) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(a)(5)), any individualized written rehabilitation program described in section 102 of the Rehabilitation Act of

1973 (29 U.S.C. 722), any individualized family service plan described in section 677 of the Individuals with Disabilities Education Act (20 U.S.C. 1477), and any other individualized plans or programs;

(C) Training regarding the rights of the persons described in paragraph (f)(1)(i) of this section to assistive technology devices and assistive technology services under any law other than this Act, to promote fuller independence, productivity, and inclusion in and integration into society of such persons; and

(D) Training to increase consumer participation in the identification, planning, use, delivery, and evaluation of assistive technology devices and assistive technology services; and

(2)(i) Enhance the assistive technology skills and competencies of—

(A) Individuals who work for public agencies or for private entities (including insurers) that have contact with individuals with disabilities;

(B) Educators and related services personnel;

(C) Technology experts (including engineers);

(D) Employers; and

(E) Other appropriate personnel; and

(ii) Include taking actions to facilitate the development of standards, or, when appropriate, the application of standards, to ensure the availability of qualified personnel.

(h) Support the compilation and evaluation of appropriate data related to a program described in § 345.1.

(i)(1) Develop, operate, or expand a system for public access to information concerning an activity carried out under another paragraph of this section, including information about assistive technology devices and assistive technology services, funding sources and costs of assistance, and individuals, organizations, and agencies capable of carrying out such an activity for individuals with disabilities.

(2) Access to the system may be provided through community-based entities, including public libraries, centers for independent living (as defined in section 702(1) of the Rehabilitation Act of 1973 (29 U.S.C. 796a(1)), and community rehabilitation programs, as defined in section 7(25) of such Act (29 U.S.C. 706(25)).

(3) In developing, operating, or expanding a system described in paragraph (i)(1) of this section, the State may—

(i) Develop, compile, and categorize print, large print, braille, audio, and video materials, computer disks, compact discs (including compact discs formatted with read-only memory), information that can be used in telephone-based information systems, and other media as technological innovation may make appropriate;

(ii) Identify and classify existing funding sources, and the conditions of and criteria for access to such sources, including any funding mechanisms or strategies developed by the State;

(iii) Identify existing support groups and systems designed to help individuals with disabilities make effective use of an activity carried out under another paragraph of this section; and

(iv) Maintain a record of the extent to which citizens of the State use or make inquiries of the system established in paragraph (i)(1) of this section, and of the nature of inquiries.

(4) The information system may be organized on an interstate basis or as part of a regional consortium of States in order to facilitate the establishment of compatible, linked information systems.

(j)(1) The State may enter into cooperative agreements with other States to expand the capacity of the States involved to assist individuals with disabilities of all ages to learn about, acquire, use, maintain, adapt, and upgrade assistive technology devices and assistive technology services that individuals need at home, at school, at work, or in other environments that are part of daily living.

(2) The State may operate or participate in a computer system through which the State may electronically communicate with other States to gain technical assistance in a timely fashion and to avoid the duplication of efforts already undertaken in other States.

(k) Support the establishment or continuation of partnerships and cooperative initiatives between the public sector and the private sector to promote the greater participation by business and industry in the—

(1) Development, demonstration, and dissemination of assistive technology devices; and

(2) Ongoing provision of information about new products to assist individuals with disabilities.

(l) Provide advocacy services.

(m) Utilize amounts made available through development and extension grants for any systems change and advocacy activities, other than the activities described in another paragraph of this section, that are necessary for developing, implementing, or evaluating the consumer-responsive comprehensive statewide program of technology-related assistance.

(n)(1) Accomplish the purposes in § 345.2(b) and (c).

(Authority: 29 U.S.C. 2201(b) and 2211(b); Sections 2(b)(2), 2(b)(3) and 101(b) of the Act)

Subpart C—How Does a State Apply for a Grant?

§ 345.30 What is the content of an application for a development grant?

(a) Applicants for development grants under this program shall include the following information in their applications:

(1) Information identifying the lead agency designated by the Governor under § 345.4 and the evidence described in § 345.6(b).

(2) A description of the nature and extent of involvement of various State agencies, including the State insurance department, in the preparation of the application and the continuing role of each agency in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance, including the identification of the available resources and financial responsibility of each agency for paying for assistive technology devices and assistive technology services.

(3)(i) A description of procedures that provide for—

(A)(*1*) The active involvement of individuals with disabilities and their family members, guardians, advocates, and authorized representatives, and other appropriate individuals, in the development, implementation, and evaluation of the program; and

(*2*) To the maximum extent appropriate, the active involvement of individuals with disabilities who use assistive technology devices or assistive technology services, in decisions relating to such devices and services; and

(B) Mechanisms for determining consumer satisfaction and participation of individuals with disabilities who represent a variety of ages and types of disabilities, in the consumer-responsive comprehensive statewide program of technology-related assistance.

(ii) A description of the nature and extent of the—

(A) Involvement, in the designation of the lead agency under § 345.4, and in the development of the application, of—

(*1*) Individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(*2*) Other appropriate individuals who are not employed by a State agency; and

(*3*) Organizations, providers, and interested parties, in the private sector; and

(B) Continuing role of the individuals and entities described in paragraph

(a)(3)(ii)(A) of this section in the program.

(4) A tentative assessment of the extent of the need of individuals with disabilities in the State, including individuals from underrepresented populations or rural populations for a statewide program of technology-related assistance and a description of previous efforts and efforts continuing on the date of the application to develop a consumer-responsive comprehensive statewide program of technology-related assistance.

(5) A description of State resources and other resources (to the extent this information is available) that are available to commit to the development of a consumer-responsive comprehensive statewide program of technology-related assistance.

(6) Information on the program with respect to the—

(i) Goals and objectives of the State for the program;

(ii) Systems change and advocacy activities that the State plans to carry out under the program; and

(iii) Expected outcomes of the State for the program, consistent with the purposes described in § 345.2(a).

(7)(i) A description of the data collection system used for compiling information on the program, consistent with requirements established by the Secretary for systems, and, when a national classification system is developed pursuant to section 201 of the Act, consistent with the classification system; and

(ii) Procedures that will be used to conduct evaluations of the program.

(8) A description of the policies and procedures governing contracts, grants, and other arrangements with public agencies, private nonprofit organizations, and other entities or individuals for the purpose of providing assistive technology devices and assistive technology services consistent with this part.

(b) Applicants for development grants shall include the following assurances in their applications:

(1)(i) An assurance that the State will use funds from a development or extension grant to accomplish the purposes described in § 345.2(a) and the goals, objectives, and outcomes described in paragraph (a)(6) of this section, and to carry out the systems change and advocacy activities described in paragraph (a)(6)(ii) of this section, in a manner that is consumer-responsive.

(ii) An assurance that the State, in carrying out systems change and advocacy activities, shall carry out the following activities, unless the State demonstrates through the progress reports required under § 345.50 that significant progress has been made in the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, and that other systems change and advocacy activities will increase the likelihood that the program will accomplish the purposes described in § 345.2(a):

(A) The development, implementation, and monitoring of State, regional, and local laws, regulations, policies, practices, procedures, and organizational structures, that will improve access to, provision of, funding for, and timely acquisition and delivery of, assistive technology devices and assistive technology services;

(B) The development and implementation of strategies to overcome barriers regarding access to, provision of, and funding for, such devices and services, with priority for identification of barriers to funding through State education (including special education) services, vocational rehabilitation services, and medical assistance services or, as appropriate, other health and human services, and with particular emphasis on overcoming barriers for underrepresented populations and rural populations;

(C) Coordination of activities among State agencies, in order to facilitate access to, provision of, and funding for, assistive technology devices and assistive technology services;

(D) The development and implementation of strategies to empower individuals with disabilities and their family members, guardians, advocates, and authorized representatives, to successfully advocate for increased access to, funding for, and provision of, assistive technology devices and assistive technology services, and to increase the participation, choice, and control of individuals with disabilities and their family members, guardians, advocates, and authorized representatives in the selection and procurement of assistive technology devices and assistive technology services;

(E) The provision of outreach to underrepresented populations and rural populations, including identifying and assessing the needs of such populations, providing activities to increase the accessibility of services to such populations, training representatives of such populations to become service providers, and training staff of the consumer-responsive comprehensive statewide program of technology-related assistance to work with such populations; and

(F) The development and implementation of strategies to ensure timely acquisition and delivery of assistive technology devices and assistive technology services, particularly for children.

(2) An assurance that the State will conduct an annual assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, in order to determine—

(i) The extent to which the State's goals and objectives for systems change and advocacy activities, as identified in the State plan under paragraph (a)(6) of this section, have been achieved; and

(ii) The areas of need that require attention in the next year.

(3) An assurance that amounts received under the grant will be expended in accordance with the provisions of this part;

(4) An assurance that amounts received under the grant—

(i) Will be used to supplement amounts available from other sources that are expended for technology-related assistance, including the provision of assistive technology devices and assistive technology services; and

(ii) Will not be used to pay a financial obligation for technology-related assistance (including the provision of assistive technology devices or assistive technology services) that would have been paid with amounts available from other sources if amounts under the grant had not been available, unless—

(A) The payment is made only to prevent a delay in the receipt of appropriate technology-related assistance (including the provision of assistive technology devices or assistive technology services) by an individual with a disability; and

(B) The entity or agency responsible subsequently reimburses the appropriate account with respect to programs and activities under the grant in an amount equal to the amount of the payment;

(5) An assurance that—

(i) A public agency shall control and administer amounts received under the grant; and

(ii) A public agency or an individual with a disability shall—

(A) Hold title to property purchased with such amounts; and

(B) Administer such property.

(6) An assurance that the State will—

(i) Prepare reports to the Secretary in the form and containing information required by the Secretary to carry out the Secretary's functions under this part; and

(ii) Keep records and allow access to records as the Secretary may require to

ensure the correctness and verification of information provided to the Secretary under this paragraph of this section.

(7) An assurance that amounts received under the grant will not be commingled with State or other funds;

(8) An assurance that the State will adopt fiscal control and accounting procedures as may be necessary to ensure proper disbursement of an accounting for amounts received under the grant;

(9) An assurance that the State will—

(i) Make available to individuals with disabilities and their family members, guardians, advocates, or authorized representatives information concerning technology-related assistance in a form that will allow individuals to effectively use the information; and

(ii) In preparing information for dissemination, consider the media-related needs of individuals with disabilities who have sensory and cognitive limitations and consider the use of auditory materials, including audio cassettes, visual materials, including video cassettes and video discs, and braille materials.

(10) An assurance that, to the extent practicable, technology-related assistance made available with amounts received under the grant will be equitably distributed among all geographical areas of the State;

(11) An assurance that the lead agency will have the authority to use funds made available through a development or extension grant to comply with the requirements of this part, including the ability to hire qualified staff necessary to carry out activities under the program;

(12)(i) An assurance that the State will annually provide, from the funds made available to the State through a development or extension grant under this part, an amount calculated in accordance with section 102(f)(4) of the Act in order to make a grant to, or enter into a contract with—

(A) An entity to support protection and advocacy services through the systems established to provide protection and advocacy under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e); or

(B) An entity described in § 345.55(a)(1).

(ii) The State need not provide the assurance in paragraph (b)(12)(i) of this section, if the State requests in its annual progress report or first or second extension application, as applicable, that the Secretary annually reserve, from the funds made available for a development or extension grant, an amount calculated in accordance with section 102(f)(4) of the Act, in order for the Secretary to make a grant to or enter into a contract with a system to support protection and advocacy services.

(13) An assurance that the State—

(i) Will develop and implement strategies for including personnel training regarding assistive technology within existing Federal- and State-funded training initiatives, in order to enhance assistive technology skills and competencies; and

(ii) Will document the training;

(14) An assurance that the percentage of the funds received under the grant that is used for indirect costs (as defined in OMB Circular A–87 incorporated by reference in 34 CFR 80.22(b)) shall not exceed 10 percent of the total amount of the grant; and

(15) An assurance that the lead agency will coordinate the activities funded through a development or extension grant under this part with the activities carried out by councils within the State, including—

(i) Any council or commission specified in the assurance provided by the State in accordance with section 101(a)(36) of the Rehabilitation Act of 1973 (29 U.S.C. 721(a)(36));

(ii) The Statewide Independent Living Council established under section 705 of the Rehabilitation Act of 1973 (29 U.S.C. 796d));

(iii) The advisory panel established under section 613(a)(12) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(12));

(iv) The State Interagency Coordinating Council established under section 682 of the Individuals with Disabilities Education Act (20 U.S.C. 1482));

(v) The State Planning Council described in section 124 of the Developmental Disabilities Assistance and Bill of Rights Act (20 U.S.C. 6024);

(vi) The State mental health planning council established under section 1914 of the Public Health Service Act (42 U.S.C. 300x–3);

(vii) Any council established under section 204, 206(g)(2)(A), or 712(a)(3)(H) of the Older Americans Act of 1965 (42 U.S.C. 3015, 3017(g)(2)(A), or 3058g(a)(3)(H)).

(16) An assurance that there will be coordination between the activities funded through the grant and other related systems change and advocacy activities funded by either Federal or State sources.

(c) Applicants for development grants shall provide any other related information and assurances that the Secretary may reasonably require.

(Authority: 29 U.S.C. 2212(e); Section 102(e) of the Act)

345.31 What is the content of an application for an extension grant?

A State that seeks an extension grant shall include the following in an application:

(a) The information and assurances described in § 345.30, except the preliminary needs assessment described in § 345.30(a)(4).

(b) A description of the following:

(1) The needs relating to technology-related assistance of individuals with disabilities (including individuals from underrepresented populations or rural populations) and their family members, guardians, advocates, or authorized representatives, and other appropriate individuals within the State.

(2) Any problems or gaps that remain with the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance in the State.

(3) The strategies that the State will pursue during the grant period to remedy the problems or gaps with the development and implementation of a program.

(4) Outreach activities to be conducted by the State, including dissemination of information to eligible populations, with special attention to underrepresented populations and rural populations.

(5)(i) The specific systems change and advocacy activities described in § 345.20 (including the activities described in § 345.30(b)(1)) carried out under the development grant received by the State, or, in the case of an application for a second extension grant, under an initial extension grant received by the State under this section, including—

(A) A description of systems change and advocacy activities that were undertaken to produce change on a permanent basis for individuals with disabilities of all ages;

(B) A description of activities undertaken to improve the involvement of individuals with disabilities in the program, including training and technical assistance efforts to improve individual access to assistive technology devices and assistive technology services as mandated under other laws and regulations in effect on the date of the application, and including actions undertaken to improve the participation of underrepresented populations and rural populations, such as outreach efforts; and

(C) An evaluation of the impact and results of the activities described in paragraph (b)(5)(i)(A) and (B) of this section.

(ii) The relationship of systems change and advocacy activities to the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

(iii) The progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance.

(6)(i) In the case of an application for an initial extension grant, a report on the hearing described in § 345.8(a)(2) or, in the case of an application for a second extension grant, a report on the hearing described in § 345.8(b)(2).

(ii) A description of State actions, other than a hearing, designed to determine the degree of satisfaction of individuals with disabilities, and their family members, guardians, advocates, or authorized representatives, public service providers and private service providers, educators and related service providers, technology experts (including engineers), employers, and other appropriate individuals and entities with—

(A) The degree of their ongoing involvement in the development and implementation of the consumer-responsive comprehensive statewide program of technology-related assistance;

(B) The specific systems change and advocacy activities described in § 345.20 (including the activities described in § 345.30(b)(1)) carried out by the State under the development grant or the initial extension grant;

(C) Progress made toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance; and

(D) The ability of the lead agency to carry out the activities described in § 345.6(b).

(c) A summary of any comments received concerning the issues described in paragraph (b)(6) of this section and response of the State to such comments, solicited through a public hearing or through other means, from individuals affected by the consumer-responsive comprehensive statewide program of technology-related assistance, including—

(1) Individuals with disabilities and their family members, guardians, advocates, or authorized representatives;

(2) Public service providers and private service providers;

(3) Educators and related services personnel;

(4) Technology experts (including engineers);

(5) Employers; and

(6) Other appropriate individuals and entities.

(d) An assurance that the State, any recipient, and any subrecipient of funds made available to the State under the Act will comply with guidelines established under section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e)(1) A copy of the protection and advocacy contract or grant agreement entered into by the State;

(2) Evidence of ongoing negotiations with an entity to provide protection and advocacy services, if the State has not yet entered into a grant or contract; or

(3) A request that the Secretary enter into a grant agreement with an entity to provide protection and advocacy services, pursuant to § 345.30(b)(12)(ii).

(Authority: 29 U.S.C. 2213 (d) and (e); Section 103 (d) and (e) of the Act).

Subpart D—How Does the Secretary Make a Grant?

§ 345.40 How does the Secretary evaluate an application for a development grant under this program?

The Secretary evaluates each application using the selection criteria in 34 CFR 75.210.

(Authority: 29 U.S.C. 2212(a); Section 102(a) of the Act)

§ 345.41 What other factors does the Secretary take into consideration in making development grant awards under this program?

In making development grants under this program, the Secretary takes into consideration, to the extent feasible—

(a) Achieving a balance among States that have differing levels of development of consumer-responsive comprehensive statewide programs of technology-related assistance; and

(b) Achieving a geographically equitable distribution of the grants.

(Authority: 29 U.S.C. 2212(c); Section 102(c) of the Act)

§ 345.42 What is the review process for an application for an extension grant?

(a) The Secretary may award an initial extension grant to any State that—

(1) Provides the evidence described in § 345.6(b) and makes the demonstration described in paragraph (a)(2) of this section;

(2) Demonstrates that the State has made significant progress, and has carried out systems change and advocacy activities that have resulted in significant progress, toward the development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, consistent with this part; and

(3) Holds a public hearing in the third year of a program carried out under a development grant, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(b) The Secretary may award a second extension grant to any State that-(1) Provides the evidence described in § 345.6(b) and makes the demonstration described in paragraph (a)(2) of this section;

(2) Describes the steps the State has taken or will take to continue on a permanent basis the consumer-responsive comprehensive statewide program of technology-related assistance with the ability to maintain, at a minimum, the outcomes achieved by the systems change and advocacy activities;

(3) Identifies future funding options and commitments for the program from the public and private sector and the key individuals, agencies, and organizations to be involved in, and to direct future efforts of, the program; and

(4) Holds a public hearing in the second year of a program carried out under an initial extension grant, after providing appropriate and sufficient notice to allow interested groups and organizations and all segments of the public an opportunity to comment on the program.

(c) In making any award to a State for a second extension grant, the Secretary makes an award contingent on a determination, based on the on-site visit in § 345.53, that the State is making significant progress toward development and implementation of a consumer-responsive comprehensive statewide program of technology-related assistance, except where the Secretary determines that the on-site visit is unnecessary. If the Secretary determines that the State is not making significant progress, the Secretary may take an action described in § 345.61.

(Authority: 29 U.S.C. 2213 (b) and (e) and 2215(a)(2); Section 103 (b) and (e) and 105(a)(2) of the Act)

§ 345.43 What priorities does the Secretary establish?

(a) The Secretary gives, in each of the 2 fiscal years succeeding the fiscal year in which amounts are first appropriated for carrying out development grants, priority for funding to States that received development grants under this

part during the fiscal year preceding the fiscal year concerned.

(b) For States that are applying for initial extension grants, the Secretary gives, in any fiscal year, priority to States that received initial extension grants during the fiscal year preceding the fiscal year concerned.

(c) The Secretary may establish other appropriate priorities under the Act.

(Authority: 29 U.S.C. 2212(b)(4) and 2213(c); Section 102(b)(4) and 103(c) of the Act)

Subpart E—What Conditions Must Be Met After an Award?

§ 345.50 What are the reporting requirements for the recipients of development and extension grants?

(a) States receiving development and extension grants shall submit annually to the Secretary a report that documents significant progress in developing and implementing a consumer-responsive comprehensive statewide program of technology-related assistance documenting the following:

(1) The progress the State has made, as determined in the State's annual assessment (consistent with the guidelines established by the Secretary under § 345.51) in achieving the State's goals, objectives, and outcomes as identified in the State's application, and areas of need that require attention in the next year, including unanticipated problems with the achievement of the goals, objectives, and outcomes described in the application, and the activities the State has undertaken to rectify these problems.

(2) The systems change and advocacy activities carried out by the State including—

(i) An analysis of the laws, regulations, policies, practices, procedures, and organizational structure that the State has changed, has attempted to change, or will attempt to change during the next year, to facilitate and increase timely access to, provision of, or funding for, assistive technology devices and assistive technology services; and

(ii) A description of any written policies and procedures that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services, particularly policies and procedures regarding access to, provision of, and funding for, such devices and services under education (including special education), vocational rehabilitation, and medical assistance programs.

(3) The degree of involvement of various State agencies, including the State insurance department, in the development, implementation, and evaluation of the program, including any interagency agreements that the State has developed and implemented regarding access to, provision of, and funding for, assistive technology devices and assistive technology services such as agreements that identify available resources for, assistive technology devices and assistive technology services and the responsibility of each agency for paying for such devices and services.

(4) The activities undertaken to collect and disseminate information about the documents or activities analyzed or described in paragraphs (a)(1) through (3) of this section, including outreach activities to underrepresented populations and rural populations and efforts to disseminate information by means of electronic communication.

(5) The involvement of individuals with disabilities who represent a variety of ages and types of disabilities in the planning, development, implementation, and assessment of the consumer-responsive comprehensive statewide program of technology-related assistance, including activities undertaken to improve such involvement, such as consumer training and outreach activities to underrepresented populations and rural populations.

(6) The degree of consumer satisfaction with the program, including satisfaction by underrepresented populations and rural populations.

(7) Efforts to train personnel as well as consumers.

(8) Efforts to reduce the service delivery time for receiving assistive technology devices and assistive technology services.

(9) Significant progress in the provision of protection and advocacy services, in each of the areas described in § 345.55(c)(1)(ii).

(b) The State shall make these reports readily available to the public at no extra cost.

(c) The State shall submit on an annual basis—

(1) A copy of the protection and advocacy contract or grant agreement entered into by the State;

(2) Evidence of ongoing negotiations with an entity to provide protection and advocacy services, if the State has not yet entered into a grant or contract; or

(3) A request that the Secretary enter into a grant agreement with an entity to provide protection and advocacy services, pursuant to § 345.30(b)(12)(ii).

(Authority: 29 U.S.C. 2212(e)(16)(A) and 2214(b); Sections 102(e)(16)(A) and 104(b) of the Act)

§ 345.51 When is a State making significant progress?

A State is making significant progress when it carries out—

(a) The systems change and advocacy activities listed in § 345.30(b)(1)(ii)(A) through (F); or

(b) Other systems change and advocacy activities, if the State demonstrates through the progress reports developed by the Secretary and required to be submitted by a State in § 345.50 that it has accomplished the purposes of the program listed in § 345.2(a).

(Authority: 29 U.S.C. 2212(e)(7) and 2214(a); Sections 102(e)(7) and 104(a) of the Act)

§ 345.52 Who retains title to devices provided under this program?

Title to devices purchased with grant funds under this part, either directly or through any contract or subgrant, must be held by a public agency or by an individual with a disability who is the beneficiary of the device. If the disabled individual does not have legal status to hold title, the title may be retained by a parent or legal guardian.

(Authority: 29 U.S.C. 2212(e)(12)(B); Section 102(e)(12)(B) of the Act)

§ 345.53 What are the requirements for grantee participation in the Secretary's progress assessments?

Recipients of development grants shall participate in the Secretary's assessment of the extent to which States are making significant progress by—

(a) Participating in the on-site monitoring visits that will be made to each grantee during the final year of the development grant;

(b) Participating in an on-site monitoring visit, that is in addition to the visit in paragraph (a), if the State applies for a second extension grant and whose initial on-site visit occurred prior to the date of the enactment of the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, unless the Secretary determines that the visit is not necessary.

(c) Providing written evaluations of the State's progress toward fulfilling its goals and the objectives of the project, and such other documents as the Secretary may reasonably require to complete the required assessment.

(Authority: 29 U.S.C. 2215(a); Section 105(a) of the Act)

§ 345.54 How may grant funds be used under this program?

(a) States receiving funds under this part shall comply with the assurances provided under §§ 345.30 and 345.31.

(b) A State receiving a grant may make contracts or subgrants to the eligible entities in § 345.6, provided that—

(1) A designated public agency maintains fiscal responsibility and accountability; and

(2) All appropriate provisions related to data collection, recordkeeping, and cooperation with the Secretary's evaluation and program monitoring efforts are applied to all subcontractors and subgrantees as well as to the agency receiving the grant.

(Authority: 29 U.S.C. 2212(e), 2213(d), and 2215(a)(5); Sections 102(e), 103(d), and 105(a)(5) of the Act; Section 437 of the General Education Provisions Act; 20 U.S.C. 1232f)

§ 345.55 What are the responsibilities of a State in carrying out protection and advocacy services?

(a)(1) A State is eligible to receive funding to provide protection and advocacy services if—

(i) The State, as of June 30, 1993, has provided for protection and advocacy services through an entity that is capable of performing the functions that would otherwise be performed under § 345.30(b)(12) by the system described in that section; and

(ii) The entity referred to in § 345.30(b)(12)(i) is not a system described in that section.

(b) A State that meets both of the descriptions in paragraph (a)(1) of this section also shall comply with the same requirements of this part as a system that receives funding under § 345.30(b)(12).

(c)(1) A system that receives funds under § 345.30(b)(12)(i) to carry out the protection and advocacy services described in § 345.30(b)(12)(i) in a State, or an entity described in paragraph (a)(1) of this section, shall prepare reports that contain the information required by the Secretary, including the following:

(i) A description of the activities carried out by the system or entity with the funds;

(ii) Documentation of significant progress, in providing protection and advocacy services, in each of the following areas:

(A) Conducting activities that are consumer-responsive, including activities that will lead to increased access to funding for assistive technology devices and assistive technology services.

(B) Executing legal, administrative, and other appropriate means of representation to implement systems change and advocacy activities.

(C) Developing and implementing strategies designed to enhance the long-term abilities of individuals with disabilities and their family members, guardians, advocates, and authorized representatives to successfully advocate for assistive technology devices and assistive technology services to which the individuals with disabilities are entitled under law other than this Act.

(D) Coordinating activities with protection and advocacy services funded through sources other than this Act, and coordinating activities with the systems change and advocacy activities carried out by the State lead agency.

(2) The system or entity shall submit the reports to the lead agency in the State not less often than every 6 months.

(3) The system or entity shall provide monthly updates to the lead agency concerning the activities and information described in paragraph (c) of this section.

(d) Before making a grant or entering into a contract under § 345.30(b)(12)(ii) to support the protection and advocacy services described in § 345.30(b)(12)(ii) in a State, the Secretary shall solicit and consider the opinions of the lead agency in the State with respect to the terms of the grant or contract.

(e)(1) In each fiscal year, the Secretary specifies for each State receiving a development or an extension grant the minimum amount that the State shall use to provide protection and advocacy services.

(2)(i) Except as provided for in paragraphs (e) (3) and (4), the Secretary calculates this minimum amount based on the size of the grant, the needs of individuals with disabilities within the State, the population of the State, and the geographic size of the State.

(ii) The Secretary establishes a minimum amount for each State that ranges from at least $40,000 up to $100,000.

(3) If a State receives a second extension grant, the Secretary specifies a minimum amount for the fourth year (if any) of the grant period that equals 75 percent of the minimum amount specified for the State for the third year of the second extension grant of the State.

(4) If a State receives a second extension grant, the Secretary specifies a minimum amount for the fifth year (if any) of the grant period that equals 50 percent of the minimum amount specified for the State for the third year of the second extension grant of the State.

(5) After the fifth year (if any) of the grant period, no Federal funds may be made available under this title by the State to a system described in § 345.30(b)(12) or an entity described in paragraph (a) of this section.

(Authority: 29 U.S.C. 2212(f); Section 102(f) of the Act)

Subpart F—What Compliance Procedures May the Secretary Use?

§ 345.60 Who is subject to a corrective action plan?

(a) Any State that fails to comply with the requirements of this part is subject to a corrective action plan.

(b) A State may appeal a finding that it is subject to corrective action within 30 days of being notified in writing by the Secretary of the finding.

(Authority: 29 U.S.C. 2215(b)(1); Section 105(b)(1) of the Act)

§ 345.61 What penalties may the Secretary impose on a grantee that is subject to corrective action?

A State that fails to comply with the requirements of this part may be subject to corrective actions such as—

(a) Partial or complete termination of funds;

(b) Ineligibility to participate in the grant program in the following year;

(c) Reduction in funding for the following year; or

(d) Required redesignation of the lead agency.

(Authority: 29 U.S.C. 2215(b)(2); Section 105(b)(2) of the Act)

§ 345.62 How does a State redesignate the lead agency when it is subject to corrective action?

(a) Once a State becomes subject to a corrective action plan under § 345.60, the Governor of the State, subject to approval by the Secretary, shall appoint, within 30 days after the submission of the plan to the Secretary, a monitoring panel consisting of the following representatives:

(1) The head of the lead agency designated by the Governor;

(2) Two representatives from different public or private nonprofit organizations that represent the interests of individuals with disabilities;

(3) Two consumers who are users of assistive technology devices and assistive technology services and who are not—

(i) Members of the advisory council, if any, of the consumer-responsive comprehensive statewide program of technology-related assistance; or

(ii) Employees of the State lead agency; and

(4) Two service providers with knowledge and expertise in assistive technology devices and assistive technology services.

(b) The monitoring panel must be ethnically diverse. The panel shall select a chairperson from among the members of the panel.

(c) The panel shall receive periodic reports from the State regarding progress in implementing the corrective action plan and shall have the authority to request additional information necessary to determine compliance.

(d) The meetings of the panel to determine compliance shall be open to the public (subject to confidentiality concerns) and held at locations that are accessible to individuals with disabilities.

(e) The panel shall carry out the duties of the panel for the entire period of the corrective action plan, as determined by the Secretary.

(f) A failure by a Governor of a State to comply with the requirements of paragraphs (a) through (e) of this section results in the termination of funding for the State under this part.

(g) Based on its findings, a monitoring panel may determine that a lead agency designated by a Governor has not accomplished the purposes described in § 345.2(a) and that there is good cause for redesignation of the agency and the temporary loss of funds by the State under this part.

(h) For the purposes of this section, ''good cause'' includes the following:

(1) Lack of progress with employment of qualified staff;

(2) Lack of consumer-responsive activities;

(3) Lack of resource allocation to systems change and advocacy activities;

(4) Lack of progress with meeting the assurances in § 345.30(b); or

(5) Inadequate fiscal management.

(i) If a monitoring panel determines that the lead agency should be redesignated, the panel shall recommend to the Secretary that further remedial action be taken or that the Secretary order the Governor to redesignate the lead agency within 90 days or lose funds under this part. The Secretary, based on the findings and recommendations of the monitoring panel, and after providing to the public notice and opportunity for comment, shall make a final determination regarding whether to order the Governor to redesignate the lead agency. The Governor shall make any redesignation in accordance with the requirements that apply to designations under § 345.6.

(Authority: 29 U.S.C. 2215(c); Section 105(c) of the Act)

§ 345.63 How does a State change the entity responsible for providing protection and advocacy services?

(a) The Governor of a State, based on input from individuals with disabilities and their family members, guardians, advocates, or authorized representatives, may determine that the entity providing protection and advocacy services has not met the protection and advocacy service needs of the individuals with disabilities and their family members, guardians, advocates, or authorized representatives, for securing funding for and access to assistive technology devices and assistive technology services, and that there is good cause to provide the protection and advocacy services for the State through a contract with a second entity.

(b) On making the determination in paragraph (a) of this section, the Governor may not enter into a contract with a second entity to provide the protection and advocacy services unless good cause exists and unless—

(1) The Governor has given the first entity 30 days notice of the intention to enter into the contract, including specification of good cause, and an opportunity to respond to the assertion that good cause has been shown;

(2) Individuals with disabilities and their family members, guardians, advocates, or authorized representatives, have timely notice of the determination and opportunity for public comment; and

(3) The first entity has the opportunity to appeal the determination to the Secretary within 30 days of the determination on the basis that there is not good cause to enter into the contract.

(c)(1) When the Governor of a State determines that there is good cause to enter into a contract with a second entity to provide the protection and advocacy services, the Governor shall hold an open competition within the State and issue a request for proposals by entities desiring to provide the services.

(2) The Governor shall not issue a request for proposals by entities desiring to provide protection and advocacy services until the first entity has been given notice and an opportunity to respond. If the first entity appeals the determination to the Secretary, the Governor shall issue such request only if the Secretary decides not to overturn the determination of the Governor. The Governor shall issue such request within 30 days after the end of the period during which the first entity has the opportunity to respond, or after the decision of the Secretary, as appropriate.

(3) The competition shall be open to entities with the same expertise and ability to provide legal services as a system in § 345.30(b)(12). The competition shall ensure public involvement, including a public hearing and adequate opportunity for public comment.

(Authority: 29 U.S.C. 2215(d); Section 105(d) of the Act)

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Friday
March 1, 1996

Part V

Environmental Protection Agency

40 CFR Part 180

Pesticide Tolerances, Proposed Revocations; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300415; FRL–5351–6]

RIN 2070–AB18

Pesticide Tolerances; Proposed Revocations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA announces its decision on whether to propose revocation of 41 section 408 tolerances for 22 pesticides. Under EPA's policy concerning the coordination of its authorities under sections 408 and 409 of the Federal Food, Drug and Cosmetic Act (FFDCA), EPA proposes to revoke the following nine section 408 tolerances: dicofol on apples, grapes, and plums; mancozeb on oats and wheat; propargite on apples and figs; simazine on sugarcane; and triadimefon on wheat. These proposed revocations are one of a series of actions being taken in response to a decision of the Ninth Circuit Court of Appeals regarding the Delaney clause in section 409 of the Federal Food, Drug and Cosmetic Act (FFDCA). EPA proposes to leave the remaining tolerances in place.

DATES: Written comments, identified by the docket number [OPP–300415], must be received on or before May 30, 1996.

ADDRESSES: By mail, submit comments to: Public Response Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: OPP Docket, Public Information Branch, Field Operations Division, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The telephone number for the OPP docket is (703) 305–5805. Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2 and in section 10 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). For questions related to disclosure of materials, contact the OPP Docket at the telephone number given above. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in the OPP Docket, Rm. 1132 at the Virginia address given above, from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–300415]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in [OPP–300415]. of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St. SW., Washington, DC, 20460. Office location and telephone number: Crystal Station #1, 2800 Crystal Drive, Arlington, VA. Telephone 703–308–8028, nazmi@niloufar@epamail.epa.gov.

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I. Introduction

In this notice, EPA announces its decision whether 41 section 408 tolerances for 22 pesticides should be revoked under EPA's policy concerning the coordination of its authorities under sections 408 and 409 of FFDCA. For those tolerances that EPA has determined should be revoked, EPA is in this notice proposing revocation.

II. Background

A. Statutory Background

The Federal Food, Drug and Cosmetic Act (FFDCA) (21 U.S.C. 301 et seq.) authorizes the establishment of maximum permissible levels of pesticides in foods, which are referred to as ''tolerances'' (21 U.S.C. 346a, 348). Without such a tolerance or an exemption from a tolerance, a food containing a pesticide residue is ''adulterated'' under section 402 of the FFDCA and may not be legally moved in interstate commerce (21 U.S.C. 342). Monitoring and enforcement of pesticide residues are carried out by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA).

The FFDCA governs tolerances for raw agricultural commodities (RACs) and processed foods separately. For pesticide residues in or on RACs, EPA establishes tolerances, or exemptions from tolerances when appropriate, under section 408. For processed foods, food additive regulations (FARs) setting maximum permissible levels of pesticide residues are established under section 409. Section 409 FARs are needed, however, only for certain pesticide residues in processed food. Under section 402(a)(2) of the FFDCA, no section 409 FAR is required for pesticide residues carrying from raw to processed food if the residue in the processed food, when ready to eat, is equal to or below the section 408 tolerance for that pesticide in or on the RAC from which it was derived, and all other conditions of section 402(a)(2) are met. This exemption in section 402(a)(2) is commonly referred to as the ''flow-through'' provision because it allows the section 408 raw food tolerance to flow through to the processed food form. Thus, a section 409 FAR is necessary to prevent foods from being deemed adulterated when the concentration of the pesticide residue in a processed food carrying over from the RAC is greater than the tolerance prescribed for the RAC, or if the processed food itself is treated or comes in contact with a pesticide.

To establish a tolerance regulation under section 408, EPA must find that the regulation would ''protect the public health.'' 21 U.S.C. 346a(b). In reaching this determination, EPA is directed to consider, among other things, the ''necessity for the production of an adequate, wholesome, and economical food supply.'' Id. If a food additive regulation must be established, section 409 of the FFDCA requires that the use of the pesticide will be ''safe'' (21 U.S.C. 348(c)(3)). Section 409 also contains the

Delaney clause, which specifically provides that, with little exception, ''no additive shall be deemed safe if it has been found to induce cancer when ingested by man or animal'' (21 U.S.C. 348(c)(3)).

B. EPA's Policy Concerning Coordination Of Its Authorities Under Sections 408 and 409 of the FFDCA

EPA traditionally has followed a policy of coordinating its authorities under section 408 and section 409 of the FFDCA. Thus, if use of a pesticide would result in residues in a RAC needing a section 408 tolerance and residues in a processed food needing a section 409 FAR, EPA would not approve either the section 408 tolerance or the section 409 FAR if EPA could not approve both. Similarly, EPA would not approve a FIFRA registration for a use of a pesticide if all needed tolerances and FARs connected with that use could not be approved.

In September 1992, the National Food Processors' Association (NFPA) and other food-related organizations filed a petition with EPA challenging the legality of EPA's coordination policy. In a policy statement issued on January 25, 1996, (61 FR 2378) EPA for the most part rejected the NFPA's arguments concerning the coordination policy. EPA will continue to coordinate its actions under sections 408 and 409. Where a pesticide needs a section 409 FAR but such FAR cannot be granted because of the Delaney clause, EPA generally will not grant, or allow to continue, the associated section 408 tolerance.

The critical issue in the application of the coordination policy is whether there is a likelihood of residues exceeding the section 408 tolerance in ready-to-eat (RTE) processed food. If there is such a likelihood of over-tolerance residues, EPA believes it is a reasonable interpretation of section 408 to conclude that the section 408 tolerance does not meet the statutory standard under section 408 (''protect the public health'') and thus must be revoked. The criteria EPA follows in determining the likelihood that residues in processed food will exceed the section 408 tolerance are called the concentration policy. Until recently, EPA's concentration policy had focused almost entirely on the results of food processing studies and concentration factors derived from those studies. Concentration factors measure the ratio between residue levels in the processed food and the precursor raw crop (e.g., a concentration factor of 2 indicates that residues in the processed food are twice the level of residues in the raw crop). However, in responding to the NFPA petition on June 14, 1995 (60 FR 31300), EPA announced it would consider a far greater range of information in making the determination concerning the likelihood of residues in processed food exceeding the section 408 tolerance.

C. Regulatory Background

1. *Les v. Reilly*. On May 25, 1989, the State of California, the Natural Resources Defense Council (NRDC), Public Citizen, the AFL-CIO, and several individuals filed a petition requesting that EPA revoke several food additive regulations. The petitioners argued that these food additive regulations should be revoked because they violated the Delaney clause.

EPA responded to the petition by revoking certain food additive regulations, but retained several others on the grounds that the Delaney clause provides an exception for pesticide residues posing *de minimis* risk; EPA denied the petition with respect to the food additive regulations determined to fall under this exception. EPA's response was challenged by the petitioners in the U.S. Court of Appeals, Ninth Circuit. On July 8, 1992, the court ruled in *Les v. Reilly*, 968 F.2d 985 (9th Cir.), cert. denied, 113 S.Ct. 1361 (1993), that the Delaney clause barred the establishment of a food additive regulation for pesticides which ''induce cancer'' no matter how infinitesimal the risk. In response to the court's decision in *Les v. Reilly*, EPA has taken steps to identify and revoke all section 409 FARs for pesticides which ''induce cancer.'' On March 30, 1994, EPA issued a list of pesticide uses which potentially could be affected by the court's decision. (59 FR 14980) (Note that, for the purpose of today's document, this list has been superseded by Appendices to the court-approved settlement in *California v. Browner*.) EPA has taken the following actions in response to *Les v. Reilly*:

(1) Revoked certain FARs of six pesticides that were the subject of the original NRDC petition. (58 FR 37862, July 14, 1993; 58 FR 59663, November 10, 1993; and 59 FR 10993, March 9, 1994-a number of these actions have been challenged in court or have been stayed).

(2) Proposed to revoke 26 FARs for seven pesticides (59 FR 33941, July 1, 1994).

(3) Proposed to revoke six FARs for four pesticides (60 FR 3607, January 18, 1995).

(4) Proposed to revoke two FARs for two pesticides as inconsistent with the Delaney clause and proposed to revoke 34 other FARs for 16 pesticides because the FARs were not needed to prevent the adulteration of food (60 FR 49142, September 21, 1995).

Having completed review (at least through the stage of issuing a proposed action) of the section 409 FARs identified as potentially inconsistent with the Delaney clause, EPA, in this notice, has focused its attention on the application of the coordination policy to the section 408 tolerances. Specifically, EPA is focusing on the section 408 tolerances associated with the section 409 FARs considered in the July 1994, January 1995, and September 21, 1995 notices, as well as several other section 408 tolerances identified previously as potentially affected by EPA's coordination policy. Today's notice announces decisions on 41 section 408 tolerances of 22 pesticides. These pesticides are summarized in Table 1 of Unit III of this document. EPA is proposing to revoke 9 section 408 tolerances for 5 pesticides and is proposing not to revoke the remaining 31 section 408 tolerances. The one remaining section 408 tolerance was previously revoked.

2. *California v. Browner*. In a court approved settlement, entered on February 9, 1995, in the case of *California v. Browner*, EPA agreed to make decisions regarding pesticides that may be affected by the Delaney clause. This settlement agreement includes appendices listing pesticides and uses upon which EPA must make decisions, and a timetable for making the decisions. The settlement required EPA to rule on the NFPA petition that challenged a number of policies under which EPA administers its tolerance-setting program. This proposal complies with the timeframes in the *California v. Browner* settlement.

On June 14, 1995, EPA published a partial response to the NFPA petition (60 FR 31300). The Agency concluded that some changes were warranted to its policies concerning application of the Delaney clause. On January 25, 1996 (61 FR 2378) EPA completed its response to the NFPA petition by reaffirming its coordination policy. Today's proposals are in accordance with EPA's responses to the NFPA petition.

III. Today's Action

In the *California v. Browner* settlement, EPA agreed to make decisions by April, 1997 concerning whether 81 section 408 tolerances violated EPA policies regarding the coordination of its authority under sections 408 and 409. The settlement recognized that these policies might be modified by EPA's response to the NFPA petition. Today's notice announces EPA's decisions regarding 41

of those tolerances (See Table 1 of this document.) EPA has treated the *California v. Browner* consent decree as the equivalent of a petition under section 408(e) requesting the reexamination of the legality, under the coordination policy, of the tolerances listed in the appendices to the decree. This notice, in effect, acts on the petition by proposing revocation of those tolerances that EPA has determined do not meet the statutory standard under section 408 and by proposing not to initiate a revocation proceeding against those tolerances to which EPA has found the coordination policy is inapplicable. EPA is seeking comment on both the proposed revocations and its proposed decisions not to revoke and will issue a final order following the receipt and review of such comments.

TABLE 1.—SECTION 408 RAW FOOD TOLERANCES IN THIS NOTICE.

Pesticide	Crop	CFR Cite	Proposed Decisions
Acephate.	Cottonseed	180.108	Retain
Alachlor .	Sunflower seed.	180.249	Previously revoked
Benomyl	Citrus	180.294	Retain
.....	Rice	180.294	Retain
Captan ..	Grapes	180.103	Retain
.....	Tomatoes ..	180.103	Retain
Carbaryl	Pineapples .	180.169	Retain
Dicofol ..	Apples	180.163	Revoke
.....	Grapes	180.163	Revoke
.....	Plums	180.163	Revoke
.....	Tomatoes ..	180.163	Retain
Diflubenzuron.	Soybeans ..	180.377	Retain
Dimethipin.	Cottonseed	180.406	Retain
Ethylene Oxide.	Whole spices (direct treatment).	180.151	Retain
Iprodione	Peanuts	180.399	Retain
.....	Rice	180.399	Retain
Lindane .	Tomatoes ..	180.133	Retain
Mancozeb.	Barley	180.176	Retain
.....	Grapes	180.176	Retain
.....	Oats	180.176	Revoke
.....	Rye	180.176	Retain
.....	Wheat	180.176	Revoke
Maneb ..	Grapes	180.110	Retain
Methomyl.	Wheat	180.253	Retain
Norflurazon.	Grapes	180.356	Retain
Oxyfluorfen.	Cottonseed	180.381	Retain
.....	Peppermint	180.381	Retain
.....	Spearmint ..	180.381	Retain
.....	Soybeans ..	180.381	Retain
PCNB ...	Tomatoes ..	180.319	Retain
Permethrin.	Tomatoes ..	180.378	Retain
Propargite.	Apples	180.259	Revoke
.....	Figs	180.259	Revoke
.....	Grapes	180.259	Retain
.....	Plums	180.259	Retain
Simazine	Sugarcane .	180.213	Revoke
Thiodicarb.	Cottonseed	180.407	Retain
.....	Soybeans ..	180.307	Retain
Triadimefon.	Grapes	180.410	Retain
.....	Wheat	180.410	Revoke
.....	Pineapple ..	180.410	Retain

In reviewing these 41 section 408 tolerances under its coordination policy, EPA's first step was to determine whether the section 409 FARs for such tolerances were needed. If a section 409 FAR is not needed in connection with a section 408 tolerance, the coordination policy would not be triggered because it only addresses the appropriate action to be taken where approvals are needed under both sections 408 and 409.

If EPA determined that a section 409 FAR is needed, EPA then determined whether a section 409 FAR for the pesticide in question would comply with the Delaney clause. If a needed section 409 FAR would violate the Delaney clause, EPA applied its coordination policy and has, where appropriate, proposed in this notice the revocation of each section 408 tolerance for which the Delaney clause bars the establishment or maintenance of a section 409 FAR.

IV. Determination of the Need For a Section 409 FAR

Because the coordination policy has no application to section 408 tolerances that do not need section 409 FARs, EPA has first examined whether each of the 41 section 408 tolerances need FARs under current Agency policies. The determination whether a section 409 FAR is needed to prevent a food from being considered adulterated primarily involves application of EPA's concentration policy. EPA applies the concentration policy to examine the likelihood that use of a pesticide on a raw agricultural commodity will result in residues in a processed food exceeding the section 408 tolerance.

A. Pesticide Uses that Do Not Need a Section 409 FAR

EPA has determined that its coordination policy does not warrant revoking 31 of the 41 section 408 tolerances because no section 409 FAR is needed for these tolerances. EPA has concluded that section 409 FARs are not needed principally for one of three reasons. First, for several pesticide/processed food combinations, EPA has received new processing studies indicating that residues in processed food are not likely to exceed the section 408 tolerance. Second, application of EPA's new concentration policy has shown that, for several of the pesticide uses, residues in processed food are not likely to exceed the section 408 tolerance. Third, several processing byproducts have been dropped from EPA's list of significant animal feed items and therefore FARs are no longer needed for these processed commodities. See 60 FR 49144.

In a proposed revocation published September 21, 1995 (60 FR 49142), EPA explained which of these factors applied to several of the section 409 FARs associated with section 408 tolerances addressed in this notice. Those FARs are listed in this unit with a cross-reference to the earlier notice. EPA has also evaluated additional pesticide uses having section 408 tolerances to determine where section 409 FARs would be needed. This notice includes explanations of EPA's conclusions regarding whether section 409 FARs are, or are not needed. A fuller explanation as to each pesticide use is included in the public docket.

B. Pesticide Uses Previously Found Not to Need Any Section 409 FARs

On September 21, 1995, EPA proposed to revoke the following FARs on the ground that no section 409 FAR was needed to prevent processed food from being considered adulterated: (1) Acephate on cottonseed hulls and cottonseed meal; (2) benomyl on dried citrus pulp and rice hulls; (3) carbaryl on pineapple bran; (4) diflubenzuron on soybean hulls and soybean soapstock; (5) dimethipin on cottonseed hulls; (6) iprodione on peanut soapstock, rice bran and rice hulls; (7) mancozeb on milled fractions of barley, oats, rye and wheat; (8) propargite on dried apple pomace and dried grape pomace; (9) thiodicarb on cottonseed hulls and

soybean hulls; and (10) triadimefon on wet and dry grape pomace and raisin waste. 60 FR 49142, September 21, 1995).

Based on these determinations, EPA concludes that the following 10 section 408 tolerances have or need no other section 409 FARs and thus there is no reason under the coordination policy to revoke these tolerances: (1) Acephate on cottonseed; (2) benomyl on citrus; (3) carbaryl on pineapple; (4) diflubenzuron on soybeans; (5) dimethipin on cottonseed, (6) iprodione on peanuts and rice; (7) thiodicarb on cottonseed and soybeans; and (8) triadimefon on grapes.

It should be noted that unless all needed section 409 FARs can be approved, EPA will apply the coordination policy to revoke the underlying section 408 tolerance for the RAC. This means that even if EPA can determine that one section 409 FAR is not needed by application of the factors noted above, but other section 409 FARs continue to be needed, the coordination policy applies. For example, in the list above, propargite no longer requires a FAR on dried apple pomace because it is not a significant animal feed, but does require a FAR on wet apple pomace. Since the FAR on wet apple pomace is needed and violates the Delaney clause (see Unit IV.D. of this document), EPA is proposing to revoke the section 408 tolerance for propargite on apples.

C. Additional Pesticide Uses Found Not to Need Any Section 409 FARs

1. *Recent processing studies*— a. *oxyfluorfen on soybeans*. This use has a section 409 FAR for soybean oil. Based on a new processing study, EPA has determined that the concentration factor for oxyfluorfen residues in soybean oil compared to soybeans is less than one. Therefore, EPA concludes that residues in soybean oil are unlikely to exceed the section 408 tolerance and no section 409 FAR is needed for soybean oil. Oxyfluorfen on soybeans has or needs no other section 409 FARs.

b. *Benomyl on rice*. This use was previously identified as needing a section 409 FAR for rice bran. Based on a new processing study, EPA has determined that the concentration factor for benomyl residues in rice bran compared to rice is less than one. Therefore, no section 409 FAR is needed for rice bran. As noted above, EPA determined in the September 1995 notice that no section 409 FAR is needed for benomyl on rice hulls. Benomyl on rice has or needs no other section 409 FARs.

c. Propargite on plums. This use was previously identified as needing a section 409 FAR for prunes. Based on a new processing study, EPA has determined that the concentration factor for propargite on prunes compared to plums is less than one. Therefore, no section 409 FAR is needed for prunes. Propargite on plums has or needs no other section 409 FARs.

2. *Revised concentration policy*. EPA's concentration policy is used to determine whether a section 409 FAR is necessary. EPA's determination focuses on the likelihood that residue levels in the processed food will exceed the associated section 408 tolerance level. In determining the likelihood of tolerance exceedance, EPA now considers the averaging of residue values that results from the blending of crops (highest average field trial or HAFT), average concentration factor (from multiple processing studies), and the dilution of residues that occurs when a not ready-to-eat processed food is made into ready-to-eat food. Below EPA explains which of those factors resulted in the determination that section 409 FARs are not needed for the following section 408 tolerances.

a. Captan on grapes. This use has section 409 FARs for pre-harvest treatment of grapes and post-harvest treatment of raisins.

Pre-harvest treatment of grapes. EPA has reconsidered the available grape/raisin processing studies and has determined that only those studies that involve washing the fruit after it has been dried in the field reflect current processing practices. When those data which include a washing step were used to evaluate the need for a section 409 FAR for raisins, the average concentration factor for residues of captan *per se* on washed raisins is less than one. Therefore, no section 409 FAR is needed for residues from pre-harvest treatment. The Captan Task Force has petitioned EPA to revoke the section 409 FAR to the extent it is premised on pre-harvest treatment of grapes and EPA will be acting on that petition shortly.

Post-harvest treatment of raisins. EPA has received a petition from the Captan Task Force requesting revocation of the section 409 FAR covering the post-harvest treatment of raisins because, they claim, captan is not used on drying raisins and the FAR is outdated and erroneous. EPA agrees with the Petitioner and will shortly publish its formal determination that no FAR is needed for post-harvest treatment in a final rule.

Grape juice. After examining 17 processing studies, EPA has determined that the average concentration factor in juice is less than one. Therefore, this FAR is not needed. Captan on grapes has or needs no other section 409 FARs.

b. *Mancozeb on barley and rye*. There are section 409 FARs for residues of mancozeb on bran, flour and milled fractions as an animal feed.

Flours of barley and rye. After examining several processing studies involving mancozeb residues on grains, EPA has determined that the average concentration factor for the processing of flours is less than one. Therefore, the section 409 FARs are not needed for these flours.

Brans of barley and rye. The use of mancozeb on barley and rye have section 409 FARs for bran. On May 19, 1993, EPA published the receipt of a petition requesting the revocation of brans of barley and rye on the basis that they are not needed (58 FR 29318). EPA has determined that rye bran is not a significant human food item. EPA has also determined that both rye and barley bran are not RTE foods and that once they are prepared to their RTE forms, mancozeb residues are unlikely to exceed the section 408 tolerances for rye and barley grains. Therefore, the section 409 FARs for mancozeb on brans of barley and rye are not needed and EPA will soon be publishing a Federal Register notice revoking them.

Mancozeb on barley and rye has or needs no other section 409 FARs.

c. *Methomyl on wheat*. This use does not have a section 409 FAR for wheat bran but was previously identified as needing one. EPA has multiplied the HAFT by the average concentration factor to calculate the expected residue levels in bran. The data show that residues in bran are not likely to significantly exceed the section 408 tolerance and therefore a section 409 FAR for bran is not required. Methomyl on wheat has or needs no other section 409 FARs.

d. *Oxyfluorfen on cottonseed, peppermint, and spearmint*. The uses of oxyfluorfen on cottonseed, peppermint, and spearmint have section 409 FARs for oils produced from these crops. EPA has determined that cottonseed oil, peppermint oil, and spearmint oils are not RTE human foods and once in their RTE forms, the residues of oxyfluorfen are unlikely to exceed the section 408 tolerances. EPA will soon be acting on a petition requesting revocation of these FARs on these grounds. Oxyfluorfen on cottonseed, peppermint, and spearmint have or need no other section 409 FARs.

The Agency believes that most refined oils (e.g., soybean oil, olive oil) should be considered RTE commodities based on their availability to the general public in typical grocery stores and subsequent use on salads. The latter use

is very similar to condiments, which the Agency noted in its June 1995 response to the NFPA petition should be considered RTE foods. In this notice, EPA for the first time makes a RTE determination for cottonseed oil. Unlike most other refined oils, cottonseed oil has very limited availability in grocery stores. The National Cottonseed Products Association (NCPA) has estimated that only 0.1% of all U.S. cottonseed oil production is sold at the grocery store level. NCPA has informed the Agency that most cottonseed oil is used by the snack food industry. As an example, it is a good frying medium for production of potato chips. Based on its almost exclusive use by the food processing industry, the Agency has determined that cottonseed oil is not ready to eat. As noted above, EPA believes that most other refined oils should be considered ready to eat. The Agency is requesting public comment and information on whether oils such as soybean, peanut, olive and corn should be considered ready to eat.

e. *Propargite on grapes*. This use has a section 409 FAR for raisins. EPA has multiplied the HAFT by the average concentration factor to calculate the expected residue levels in raisins. The data show that residues in raisins are not likely to exceed the section 408 tolerance for grapes and therefore a section 409 FAR is not needed. EPA will soon be publishing a Federal Register notice revoking this FAR. The section 409 FAR for dry grape pomace was proposed for revocation in September 21, 1995. Propargite on grapes has or needs no other section 409 FARs.

3. *Insignificant animal feeds*. As explained above, several processing byproducts (including tomato pomace, dried grape pomace, and raisin waste) have been dropped from EPA's list of significant animal feed items and therefore their section 409 FARs are not needed. Table 2 of this unit lists section 408 tolerances with the corresponding animal feeds that do not need section 409 FARs: (1) Captan on grapes does not need a raisin waste FAR; (2) captan on tomatoes does not need a dry tomato pomace FAR; (3) dicofol on grapes does not need a dry grape pomace or a raisin waste FAR; (4) dicofol on tomatoes does not need a dry/wet tomato pomace FAR; (5) lindane on tomatoes does not need a dry tomato pomace FAR; (6) mancozeb on grapes does not need a raisin waste FAR; (7) maneb on grapes does not need a raisin waste FAR; (8) norflurazon on grapes does not need a raisin waste FAR; (9) PCNB on tomatoes does not need a dry tomato pomace FAR; (10) permethrin on tomatoes does not need dry/ wet tomato pomace FAR; and (11)Propargite on grapes does not need a raisin waste FAR. If no other section 409 FARs are needed, the coordination policy does not require revocation of the section 408 tolerances.

4. *Other*— a. *Alachlor on sunflower seeds*. This tolerance was revoked on August 3, 1994 (59 FR 39464).

b. *Ethylene oxide on raw whole spices*. Ethylene oxide is used as direct treatment of raw whole spices and processed ground spices. Ethylene oxide has both a section 408 tolerance (raw whole spices) and a section 409 FAR (processed ground spices). The FAR, however, is needed only for direct treatment of processed ground spices and not because of any concern that treatment of raw whole spices will lead to residues in processed spices at a level exceeding the section 408 tolerance. The residues of ethylene oxide in processed ground spices from treatment of whole raw spices are not expected to exceed the section 408 tolerance.

c. Triadimefon on pineapple. Pure pineapple bran is no longer considered a significant feed item and has been dropped from the list of significant feed items in the Agency's Residue Chemistry Guidelines. However, EPA has added pineapple process residue to this table of significant feed items because the Agency has determined that the material typically fed to livestock is pineapple process residue. This feed item consists of tops (minus crowns), bottoms, trimmings, pulp (remaining after squeezing for juice), and, in some cases, cull pineapples. Since the processing study for triadimefon in pineapples shows that residues do not concentrate in the process residue, a section 409 FAR is not needed. Triadimefon on pineapple has or needs no other section 409 FARs.

Table 2 below summarizes the section 408 raw food tolerances that EPA is not proposing to revoke under its coordination policy.

TABLE 2.—SECTION 408 RAW FOOD TOLERANCES BEING PROPOSED FOR RETENTION

Pesticide	Raw commodity	
	Crop	CFR cite
Acephate	Cottonseed	180.108
Benomyl	Citrus	180.294
	Rice	180.294
Captan	Grapes	180.103
	Tomatoes	180.103
Carbaryl	Pineapples	180.169
Dicofol	Tomatoes	180.163
Diflubenzuron	Soybeans	180.377

TABLE 2.—SECTION 408 RAW FOOD TOLERANCES BEING PROPOSED FOR RETENTION—Continued

Pesticide	Raw commodity	
	Crop	CFR cite
Dimethipin	Cottonseed	180.406
Ethylene Oxide	Whole spices (direct treatment).	180.151
Iprodione	Peanuts	180.399
	Rice	180.399
Lindane	Tomatoes	180.133
Mancozeb	Barley	180.176
	Grapes	180.176
	Rye	180.176
Maneb	Grapes	180.110
Methomyl	Wheat	180.253
Norflurazon	Grapes	180.356
Oxyfluorfen	Cottonseed	180.381
	Peppermint	180.381
	Spearmint	180.381
	Soybeans	180.381
PCNB	Tomatoes	180.319
Permethrin	Tomatoes	180.378
Propargite	Grapes	180.259
	Plums	180.259
Thiodicarb	Cottonseed	180.407
	Soybeans	180.407
Triadimefon	Grapes	180.410
	Pineapple	180.410

D. Pesticide Uses that Need a Section 409 FAR

EPA has determined that under its revised concentration policy the pesticide uses listed in this unit need section 409 FARs to prevent the adulteration of processed food.

In analyzing the need for section 409 FARs, EPA has taken into account not only existing section 408 tolerances but also available residue data bearing on whether the current section 408 tolerance should be revised under existing tolerance-setting policies. EPA has received large amounts of residue data as part of the reregistration program. Review of these data shows that, in several instances, the existing section 408 tolerance is set either too high or too low. Tolerance adjustments would normally be accomplished through the reregistration program.

EPA, however, sees no reason to wait until these tolerances are formally revised to determine whether the pesticide concentrates for the purpose of applying the coordination policy. EPA has decided that it should base its concentration decision upon the most recent data on residues in raw crops. If

those data indicate that section 408 tolerances should be adjusted, EPA has used the adjusted section 408 tolerance level as the basis for its determination of whether a section 409 FAR is needed. The basis for EPA's determination that the tolerance should be adjusted is in the docket.

In two cases (dicofol/plums and mancozeb/oats), the level of residues in the processed food is between the current section 408 tolerance and an adjusted lower 408 tolerance. If EPA were to make its determination of the need for a section 409 FAR based on the current higher tolerance, EPA might in this notice decide that revocation was not warranted only to have to revise that determination in the near future once the overall tolerance reassessment for the pesticide is complete. Once the overall tolerance reassessment for the pesticide is complete, EPA would take the identical action proposed here: EPA would explain why the tolerance needed to be lowered but then propose to revoke the existing tolerance because amending the existing tolerance would not be consistent with the coordination policy.

In two other cases (dicofol/apples and propargite/apples), the level of residues in the processed food is higher than both the current and adjusted section 408 tolerances. In this case, adjusting the tolerance is irrelevant to the need for a section 409 FAR. Nonetheless, in all situations where a tolerance needs to be adjusted (whether raised or lowered), EPA believes the focus of the coordination policy analysis should be the tolerance value that would be set taking into account the most current data.

1. *Dicofol on apples.* The current section 408 tolerance for dicofol on apples is 5 ppm (40 CFR 180.163). Evaluation of new residue data indicates that the tolerance should be raised to 7 ppm.

This use needs a section 409 FAR for wet apple pomace. When apples are processed, residues may concentrate in both wet and dried apple pomace, with a greater potential concentration in dried apple pomace. A section 409 FAR for dried apple pomace would therefore cover the lower level of residues in wet apple pomace. In years past EPA often did not establish a separate section 409 FAR for wet apple pomace, which tended to obscure the fact that wet pomace itself was regarded by EPA as a significant animal feed. More recently, tolerance listings for apple pomace have included both wet and dried pomace, either with a single tolerance level based on the dried apple pomace or separate tolerance levels.

EPA determined in its June 1994 revision to the Residue Chemistry Guidelines Table II (June 8, 1994; 59 FR 29603) and reaffirmed in September 1995 (September 21, 1995; 60 FR 49150) that dried apple pomace is not a significant animal feed. FARs for dried apple pomace will eventually be revoked because they are not needed. However, without a FAR for dried pomace, wet apple pomace needs a FAR. Under the criteria of both the June 1994 and the September 1995 Table II, wet apple pomace is considered a significant animal feed. This is not a new determination by EPA; however, the decision to remove dried apple pomace highlighted the continued status of wet apple pomace as a significant animal feed. Wet apple pomace is also considered a RTE animal feed.

Dicofol currently has no FARs for apple pomace, wet or dried. Under the new Residue Table II, no FAR is needed for dried apple pomace, but one is needed for wet apple pomace. The average concentration factor in the processing of wet apple pomace is 6.6 and the HAFT for dicofol on apples is 2.32. Because multiplying the average concentration factor by the HAFT exceeds the adjusted section 408 tolerance of 7 ppm for dicofol on apples, EPA believes that it is likely that some wet apple pomace will contain residues exceeding the adjusted tolerance level.

2. *Dicofol on grapes.* This use needs a section 409 for raisins. The average concentration factor in the processing of raisins is 6.6 and the HAFT for dicofol on grapes is 3.02. Because multiplying the average concentration factor by the HAFT exceeds the section 408 tolerance for dicofol on grapes (5 ppm), EPA believes that it is likely that some raisins will contain residues exceeding the tolerance.

3. *Dicofol on plums.* The current section 408 tolerance for dicofol on plums is 5 ppm (40 CFR 180.163). Evaluation of new residue data indicates that the tolerance should be reduced to 1 ppm. This use needs a section 409 FAR for prunes. The average concentration factor in the processing of prunes is 3.1 and the HAFT for dicofol on plums is 0.79. Because multiplying the average concentration factor by the HAFT exceeds the adjusted section 408 tolerance for dicofol on plums, EPA believes that it is likely that some prunes will contain residues exceeding the adjusted tolerance level.

4. *Mancozeb on oats.* The current section 408 tolerance for mancozeb on oat grain is 5 ppm (40 CFR 180.176). Evaluation of new residue data indicates that the tolerance should be reduced to 1 ppm. This use has a section 409 FAR for oat bran and oat flour. EPA believes that the bran FAR is needed under its concentration policy but the flour FAR is not. EPA considers oat bran a significant human food item which is RTE. The average concentration factor in the processing of oat bran is 2 and the HAFT for mancozeb on oats is 0.98 ppm. Because multiplying the average concentration factor by the HAFT exceeds the adjusted section 408 tolerance for mancozeb on oats, EPA believes that it is likely that some oat bran will contain residues exceeding the recommended tolerance level. After examining several processing studies involving mancozeb residues on grains, EPA has determined that the average concentration factor for the processing of flours is less than one.

In addition to a section 408 tolerance for oat grain, mancozeb has a section 408 tolerance for oat straw. EPA believes that straw production cannot be separated from grain production because oat grain and straw are harvested simultaneously from the mature plant. Oats would not be grown solely for straw considering its low value relative to grain. Therefore, it is not practical to limit use of a pesticide to oats grown for straw and the Agency is proposing to revoke the oat straw tolerance for mancozeb.

5. *Mancozeb on wheat.* The current section 408 tolerance for mancozeb on wheat grain is 5 ppm (40 CFR 180.176). Evaluation of new residue data indicates that the tolerance should be reduced to 1 ppm. This use has a section 409 FAR for wheat flour. EPA believes that the flour FAR is not needed under its concentration policy. After examining several processing studies involving mancozeb residues on grains, EPA has determined that the average concentration factor for the processing of flours is less than one. The section 409 FAR for wheat bran was revoked on July 14, 1993 (58 FR 37682) because it violated the Delaney clause. The bran FAR is needed to prevent the adulteration of wheat bran. Multiplying the average concentration factor in the processing of wheat bran (2) times the HAFT for mancozeb on wheat (0.97 ppm) yields a result exceeding the adjusted tolerance level (1 ppm).

In addition to a section 408 tolerance for wheat grain, mancozeb has a section 408 tolerance for wheat straw. Wheat production is similar to oat production with respect to straw, and EPA is therefore proposing to revoke the section 408 tolerance for mancozeb on wheat straw.

6. *Propargite on apples.* The current section 408 tolerance for propargite on

apples is 3 ppm (40 CFR 180.259). Evaluation of new residue data indicates that the tolerance should be raised to 20 ppm.

This use currently has a section 409 FAR for dried apple pomace, which covers residues in wet apple pomace. The FAR for dried apple pomace is not needed; without the FAR for dried pomace, a FAR for wet apple pomace is needed. The average concentration factor in the processing of wet apple pomace is 5 and the HAFT for propargite on apples is 13.4 ppm. Because multiplying the average concentration factor by the HAFT exceeds the adjusted section 408 tolerance for propargite on apples, EPA believes that it is likely that some wet apple pomace will contain residues exceeding the tolerance.

7. *Propargite on figs.* This use has a section 409 FAR for dried figs and EPA believes that this FAR is needed under its concentration policy. The average concentration factor in the processing of dried figs is 2.7 and the HAFT for propargite on figs is 1.8 ppm. Because multiplying the average concentration factor by the HAFT exceeds the section 408 tolerance for propargite on figs (3 ppm), EPA believes that it is likely that some dried figs will contain residues exceeding the tolerance.

8. *Simazine on sugarcane.* This use has a corresponding section 409 FAR for molasses as human food and animal feed and previously was identified as needing FARs for syrup and bagasse. EPA considers molasses to be a RTE food and feed item. The average concentration factor in the processing of molasses is 10. A determination of the HAFT has not been made since the concentration factor is so large that the HAFT multiplied by that number is certain to appreciably exceed the section 408 tolerance (.25 ppm).

EPA expects that in most cases the HAFT will not be lower than the tolerance by a factor of two. This conclusion is based on EPA's experience with setting 408 tolerances (i.e., how they are derived based on the highest residue values) and with the relationships between average residues in field trials and either tolerances or maximum field trial residues, which are usually close to the tolerance. In most cases, average residues across all field trials for a given crop are 2 to 6 times less than a tolerance or maximum field trial value. The highest average field trial (HAFT) will be higher than the average residue across all trials. Therefore, in this particular case the Agency is confident that 10 times the HAFT will be appreciably higher than the 408 tolerance. Examples of the relationships between average residues and tolerances or maximum field trial residues will be placed in the docket for this notice. EPA's conclusion regarding the level of simazine residues in sugarcane molasses is confirmed by a processing study in which sugarcane treated at the maximum application rate showed total residues of 0.63 ppm in molasses, well above the 0.25 ppm sugarcane tolerance. Therefore, EPA believes that it is likely that some molasses will contain residues exceeding the tolerance. Sugarcane syrup is not considered a significant human food and therefore no section 409 FAR is needed. Bagasse is not considered a significant animal feed.

9. *Triadimefon on wheat.* This use has a section 409 FAR for milled fractions of wheat. EPA considers milled fractions of wheat to be RTE human food (i.e. bran). The average concentration factor in the processing of milled fractions of wheat is 3.7 and the HAFT for triadimefon on wheat is 0.6 ppm. Because multiplying the average concentration factor by the HAFT exceeds the section 408 tolerance for triadimefon on wheat (1.0 ppm), EPA believes that it is likely that some milled fractions will contain residues exceeding the tolerance.

In addition to a section 408 tolerance for wheat grain, triadimefon also has section 408 tolerances for wheat green forage and straw. EPA is proposing to revoke the section 408 tolerance for triadimefon on wheat straw for the same reasons given for mancozeb. However, wheat forage in some areas is grown solely for the purpose of producing forage, and not grown to maturity to produce wheat grain. Some is grown in mixed stands with other grassy crops such as ryegrass, making it impractical to produce wheat grain from such fields. Based on these agronomic practices, EPA believes that a pesticide label restriction limiting the use of triadimefon to wheat grown for forage is practical. Therefore, EPA is not proposing to revoke the section 408 tolerance for triadimefon on wheat green forage even though the grain and straw tolerances are proposed for revocation.

V. Delaney Clause Determinations For Needed Section 409 FARs

A. Induce cancer

For each of the pesticides listed in Unit IV.D., section 409 FARs are either established or needed. In a number of published proposed revocations, EPA has previously determined that the five pesticides ''induce cancer'' within the meaning of the Delaney clause (59 FR 10993; 59 FR 33941; 60 FR 3607). Full copies of each of these reviews and other references in this document are available in the OPP Docket, the location of which is given under 'ADDRESSES'' above. Information on dicofol is contained in OPP Docket OPP–300238, on mancozeb, propargite and simazine in OPP Docket OPP–300335, and on triadimefon in OPP Docket OPP–300360.

EPA is currently considering comments on the proposed revocations of section 409 FARs for propargite, mancozeb, simazine and triadimefon.

B. DES Proviso

EPA may establish or maintain a section 409 FAR for a pesticide that induces cancer if the *DES proviso* excepts the FAR from the Delaney clause. Thus, when a pesticide needing a FAR is found to induce cancer, EPA must determine if the FAR is nonetheless excepted from the Delaney clause prohibition by the *DES proviso*.

The *DES proviso* applies to a FAR when no detectable residues are expected in the animal commodities (meat, milk, poultry, eggs) as a result of animal consumption of feeds containing residues permitted by the FAR (60 FR 49142, September 21, 1995). If no detectable residues of the chemical can be found in the animal commodities, the FAR can be maintained or established.

The nine pesticide uses listed in Unit IV. D of this document have or need section 409 FARs that are or would be inconsistent with the Delaney clause. However, only three of these FARs are for animal feed items and thus have been further analyzed to determine whether they are allowed under the DES proviso.

1. *Dicofol on wet apple pomace.* EPA concludes that the DES proviso would not except the dicofol FAR from the Delaney clause. A dicofol FAR for wet apple pomace does not qualify because detectable residues in animal commodities are expected as a result of feeding treated wet apple pomace to animals. A memorandum explaining EPA's analysis is included in the docket.

2. *Propargite on wet apple pomace.* EPA concludes that the DES proviso does not except the propargite FAR from the Delaney clause. The propargite FAR does not qualify because detectable residues in animal commodities are expected as a result of feeding propargite treated wet apple pomace to animals. A memorandum explaining EPA's analysis is included in the docket.

3. *Simazine on molasses.* EPA has previously concluded that the DES

proviso does not except the simazine FAR from the Delaney clause. (60 FR 49142, September 21, 1995).

VI. Proposed Revocations

A. Section 408 Tolerances

EPA proposes that the nine section 408 tolerances listed in Table 3 of this unit be revoked. EPA no longer believes that these tolerances meet the statutory standard under section 408 (''protect the public health'') because use of a pesticide under these tolerances is likely to result in residues in processed food exceeding such tolerance. Such residues will render the processed food adulterated under the FFDCA unless there is a section 409 FAR. Some of the nine section 408 tolerances have existing section 409 FARs that are inconsistent with the Delaney clause and they will be or have been revoked. The others need FARs but such FARs have not been, and under the Delaney clause cannot be, established.

As EPA explained in its recent statement on the coordination policy, (January 25, 1996, 61 FR 2378) it believes that, if the use of a pesticide under a section 408 tolerance is likely to result in residues in a processed food which Congress has, in the clearest terms, deemed unacceptable, Congress' heightened concern regarding such residues in processed food must be taken into account in determining whether the section 408 tolerance complies with the statutory standard for establishing or maintaining tolerances under section 408. Moreover, EPA believes that where evaluation of available data indicate that residues in processed food can exceed the section 408 tolerance, Congress' heightened concern about such residues is determinative of the finding under the section 408 standard, absent some extraordinary impact upon the food supply. EPA believes that its revised concentration policy (60 FR 31300, June 14, 1995) involves a reasonable approach to determining the likelihood of residues in processed food exceeding the associated section 408 tolerance. EPA expressly noted its willingness to use all relevant and appropriate data in examining this question. For example, EPA stated it would, where appropriate, consider some type of average residue value, average concentration values, and dilution factors for not RTE food.

Because EPA has concluded that the application of its concentration policy to each of the nine section 408 tolerances in the following Table 3 has shown that residues in processed food can exceed the section 408 tolerance and because removal of these uses is unlikely to have a significant, much less extraordinary, impact on the food supply, EPA is proposing to revoke these section 408 tolerances because they fail to meet the section 408 standard for establishing or maintaining tolerances.

TABLE 3.—SECTION 408 TOLERANCES PROPOSED FOR REVOCATION

Pesticide	Raw Crop	CFR Cite
Dicofol	Apples	180.163
	Grapes	180.163
	Plums	180.163
Mancozeb	Oats	180.176
	Wheat	180.176
Propargite	Apples	180.259
	Figs	180.259
Simazine	Sugarcane	180.213
Triadimefon	Wheat	180.410

B. Impacts

As noted in Unit IV.D. of this document, evaluation of the nine pesticide uses listed in Table 3 of this document, under EPA's concentration policy yields the conclusion that, in all likelihood, residues in processed food can exceed the associated section 408 tolerance. For these pesticide uses, EPA also examined what the impact on the food supply would be if these uses were disallowed. EPA has concluded that removal of the uses would have little or no impact on the price or availability of food to the consumer. In fact, removal of most of these uses is not expected to have much effect on growers. For four of the uses no impact is expected. For the other five, the impact will be minor. Some individual apple, fig, and wheat growers may incur significant impacts. See Unit IX. A. below for details.

VII. Consideration of Comments

Any interested person may submit comments on the proposed revocations of tolerance or EPA's decisions not to revoke certain tolerances on or before May 30, 1996 at the address given under the''ADDRESSES'' section above. Before issuing final orders, EPA will consider all relevant comments. After consideration of comments, EPA will issue a final order. Such order will be subject to objections pursuant to section 409(f) (21 U.S.C. 348(f)). Failure to file an objection within the appointed period will constitute waiver of the right to raise issues resolved in the order in future proceedings.

VIII. Public Docket

A record has been established for this rulemaking under docket number [OPP–300415] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

A. Executive Order 12866

EPA submitted this action to the Office of Management and Budget (OMB) for review under Executive Order 12866 (58 FR 51735, October 4, 1993). Any comments or changes made during that review have been documented in the public record.

EPA has evaluated the economic impacts of this particular action for the nine proposed revocations. Below is a summary of the results of the economic analysis by crop.

Apples. The most significant economic impacts of the 408 tolerances currently proposed for revocation are expected on apples from the loss of propargite and dicofol. Eight states produce more than 70% of the apples grown in the United States; regionally, these include the Northwest (CA, OR and WA), Michigan in the Midwest, and the New York/Pennsylvania and North/South Carolina areas of the East.

In these areas, losses will be more acute for propargite which is used on 29% of the overall acreage, but up to 50% of the acreage in New York and Michigan. Dicofol, on the other hand, averages use on only 5% of the overall acreage, with a range of 3% - 9% in the major producing states.

The most likely chemical alternatives are projected to be fenbutatin-oxide, formetanate hydrochloride, and oxythioquinox. These alternatives are more toxic than propargite and dicofol to some beneficial insects in some states, but would likely be used as replacements in most cases. There are mixed results on efficacy of the alternatives compared to propargite and dicofol for controlling mite pests from field trials. Many trials suggest the alternatives have equal or superior efficacy, while some others suggest that propargite and dicofol are superior. The Agency assumed a three percent yield loss due to substitution of the alternatives, resulting in a projected loss of nearly $16 million annually to current users of propargite and dicofol. This may overstate potential yield loss because the data on the relative efficacy of these pesticides are mixed. This figure does not include losses from higher toxicity of alternatives to beneficial insects, or increased development of resistance to the remaining alternatives. Alternatives are approximately the same or lower cost than propargite and dicofol, so that there would be little increased cost for alternatives.

Figs. Since there are no miticide alternatives to propargite, annual loss to growers could be up to $100,000 in those years when mite pressures are high.

Wheat. Triadimefon use on wheat is insignificant. Mancozeb is used on less than 5% of the wheat acres, and numerous alternatives, some of which may be more efficacious than mancozeb, are available.

Grapes. Impacts will be limited to the loss of dicofol, which is expected to cause only marginal impacts. Dicofol was not used in California in 1994, and is not recommended by grape specialists because its non-selective mode of action kills beneficial insects. The preferred alternative (propargite) offers superior mite control while not harming beneficial insects.

The Delaney clause prohibits establishing or maintaining section 409 FARs for any pesticide meeting the ''induces cancer'' standard, without regard to economic impacts. However, this proposed action to revoke section 408 tolerances is due to the combined effect of the Delaney clause and EPA's coordination policy. EPA believes that the impacts due to these proposed revocations (and ultimately the cancellation of the registered uses) are less burdensome than the alternative of maintaining these tolerances and registrations. If the uses and 408 tolerances remain in effect without needed 409 FARs (prohibited by the Delaney clause), lawfully treated foods could potentially be adulterated, and subject to seizure, and the need for costly Federal monitoring and enforcement would increase. The possibility of adulterated foods could create uncertainty among pesticide users and food processors and erode consumer confidence in the food supply.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354; 94 Stat. 1164, 5 U.S.C. 601 et seq.) requires EPA to analyze regulatory options to assess the economic impact on small businesses, small governments, and small organizations.

Regulating pesticide residues in food is, by its nature, indiscriminate with respect to the size of the business or farm that was the source of the food. The existence or absence of a tolerance, and the levels at which they are set must logically apply to all food available to U.S. consumers. It is also not feasible to segregate and track food from different farm sizes, once it is in channels of trade. Therefore, there is no potential regulatory option that would treat small farms differently from large farms with respect to pesticide tolerances.

The Delaney clause leaves no option to retain the applicable section 409 FARs. The section 408 tolerances could either be revoked, as called for by the coordination policy, or maintained in the absence of the needed 409 FARs. It is not feasible to quantify the economic impacts of retaining the 408 tolerances, for the reasons discussed above, and therefore a comparison of the impacts of these two options cannot be made. The Agency's choice to revoke the 408 tolerances will not disproportionately affect small farms over large farms, since the loss of a pesticide is generally proportional to the crop acreage.

C. Unfunded Mandates Reform Act and Executive Order 12875

Under Title II of the Unfunded Mandates Reform Act of 1995 (Pub.L. 104–4), this action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and will not result in any ''unfunded mandates'' as defined by Title II. The costs associated with this action are described in Unit IX. A of this notice.

Under Executive Order 12875 (58 FR 58093, October 28, 1993), EPA must consult with representatives of affected State, local, and tribal governments before promulgating a discretionary regulation containing an unfunded mandate. This action does not contain any mandates on States, localities or tribes and is therefore not subject to the requirements of Executive Order 12875.

D. Paperwork Reduction Act

This order does not contain any information collection requirements and therefore is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 26, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR, chapter I, part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 2l U.S.C. 346a and 371.

§ 180.163 [Amended]

2. In § 180.163, in the paragraph beginning with ''5 parts per million...,'' remove the entries ''apples,'' ''grapes,'' and ''plums (fresh prunes),''.

§ 180.176 [Amended]

3. In § 180.176 by revising the paragraphs beginning with ''25 parts per million...'' and ''5 parts per million...'' to read respectively as follows:

§ 180.176 Coordination product of zinc ion and maneb; tolerances for residues.

* * * * *

25 parts per million in or on the straws of barley and rye.

* * * * *

5 parts per million in or on celery; corn fodder and forage; and the grains of barley and rye.

* * * * *

§ 180.213 [Amended]

4. By removing from the table in § 180.213 the entry for ''sugarcane''.

§ 180.259 [Amended]

5. By removing from the table in § 180.259 the entries for ''apples'' and ''figs''.

§ 180.410 [Amended]

6. By removing from the table in § 180.410 the entries for ''Wheat, grain'', and ''Wheat, straw''.

[FR Doc. 96–4836 Filed 2–29–96; 8:45 am]

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federal register

Friday
March 1, 1996

Part VI

Environmental Protection Agency

Cyanazine; Notice of Preliminary Determination To Terminate Special Review; Notice of Receipt of Requests for Voluntary Cancellation; Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPP–30000/60A; FRL–5352–6]

Cyanazine; Notice of Preliminary Determination to Terminate Special Review; Notice of Receipt of Requests for Voluntary Cancellation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Preliminary Determination to Terminate Special Review; Announcement of Receipt of Voluntary Cancellation.

SUMMARY: This Notice sets forth EPA's preliminary determination to terminate the Special Review of cyanazine based on amendments to the terms and conditions of cyanazine registrations. In effect, the terms and conditions call for an incremental phaseout and voluntary cancellation of all pesticide products containing cyanazine that are registered for use in the United States. The Agency has concluded that, based on these terms and conditions of the amended registration of cyanazine, any unreasonable adverse effects posed by cyanazine use will be eliminated by the phaseout and voluntary cancellation of the chemical. The Agency concludes that the benefits of use of the chemical for the limited period of time and in strict accordance with all of the terms and conditions of registration, outweigh the risks. In making this determination, the Agency considered the risks and benefits of cyanazine use in the 7-year phaseout, during which maximum label rates will be reduced and closed cab application equipment will be required, as well as the risks and benefits associated with the ultimate cancellation of all use of cyanazine. In addition, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), this Notice announces EPA's receipt of requests to voluntarily cancel all registrations containing cyanazine, effective December 31, 1999.

DATES: Comments, data and information relevant to the Agency's proposed decision must be received on or before April 1, 1996.

ADDRESS: Submit three copies of written comments bearing the document number [30000/60A]. By mail to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to Room 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, Telephone: 703-305-5805.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–30000/60A.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit IX. of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Joseph E. Bailey, Review Manager, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: Special Review Branch, 3rd Floor, Crystal Station, 2800 Jefferson Davis Highway, Arlington, VA, Telephone: 703-308-8173, e-mail: bailey.joseph@epamail.epa.gov. For a copy of documents in the public docket, to request information concerning the Special Review, or to request indices to the Special Review public docket, contact the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: 703-305-5805.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Regulatory Background

Cyanazine is the common name for [2-((4-chloro-6-(ethylamino)-s-triazine-2-yl)amino)-2-methylpropionitrile], an herbicide sold under the tradenames of Bladex and Cynex that is available as a granular or liquid formulation. It is classified as a ''Restricted Use Pesticide'' based on its reproductive effects and detection in ground and surface water. Cyanazine was first registered by Shell Chemical Company in 1971. Today, DuPont Agricultural Products and Griffin Corporation are the only registrants of technical grade cyanazine. Ciba Plant Protection also has one registered product, a mixture of cyanazine and metalochlor, but submitted a request for voluntary cancellation of this product which was announced in the Federal Register of November 8, 1995 (60 FR 56333) (Ref. 1). A final cancellation order for this product was effective February 8, 1996.

In April 1985, a Special Review of cyanazine was initiated based on studies indicating developmental toxicity in two species after oral administration of the chemical. The Agency was concerned about potential risks to mixer/loaders and applicators exposed to cyanazine. Additional dermal developmental toxicity studies that were submitted to the Agency led to a refinement of the risk estimates. The Special Review was concluded in 1988 by requiring personal protective equipment and revised label language.

The Agency continued to assess ground and surface water monitoring data for cyanazine contamination and, to help address contamination concerns, approved label amendments in 1993 that reduced maximum application rates and required surface water setbacks. These amendments, however, did not ameliorate all of the Agency's risk concerns and on February 8, 1994, a preliminary notification letter was issued to all cyanazine registrants indicating that the Agency was considering initiating a Special Review of cyanazine because of potential cancer risks from dietary (food and drinking water) and non-dietary exposure. Additionally, the Agency was also concerned about possible ecological risks to nontarget organisms (aquatic organisms, terrestrial plants) and their ecosystems that may result from the use of cyanazine.

On November 10, 1994, EPA issued the Notice of Initiation of Special Review (Position Document 1 or PD 1) formally announcing that a Special Review was being initiated for cyanazine, along with atrazine and simazine (58 FR 60412) (Ref. 2). The Agency formally initiated the Special Review based only on the cancer risk concern to humans. The Agency remains concerned about possible

ecological effects; however, these effects were not considered as formal criteria to initiate the Special Review.

On August 2, 1995, DuPont voluntarily proposed to amend its cyanazine registrations to effectively phaseout the production of cyanazine for use in the U.S. by the end of 1999, with incremental reductions in maximum label application rates in 1997, 1998, and 1999 and a closed cab requirement for applicators beginning in 1998 (Ref. 3). Cyanazine products that have been released for shipment by a registrant on or before December 31, 1999, may only be distributed and sold in the channels of trade in accordance with their labels through September 30, 2002. Such products may only be used through December 31, 2002. EPA accepted DuPont's proposal to amend its cyanazine registrations. Since the acceptance of DuPont's proposal to amend cyanazine registrations, EPA has granted new conditional cyanazine registrations to Griffin based on Griffin's agreement to accept the same terms and conditions as part of its cyanazine registrations (Refs. 4, 5, 6, 7, and 8).

The Agency has evaluated the risks and benefits posed by the terms and conditions of the phaseout and voluntary cancellations submitted by the manufacturers of cyanazine and approved by EPA. Among the factors considered were the risks of use during and after the phaseout period and arising from use of existing stocks, the benefits that will accrue from use during the phaseout and use of existing stocks, the incentives for and likelihood of the development of alternative control strategies of a phaseout as opposed to an immediate commencement of cancellation proceedings, and the litigative risks and uncertainties attendant to a contested regulatory action as opposed to a voluntary action. Taking all of these factors into consideration, the Agency has concluded that risks associated with the proposed voluntary phaseout and cancellation are outweighed by its benefits. Accordingly, the Agency believes the Special Review of cyanazine may be terminated on the basis of the voluntary cancellation.

In response to the triazine PD 1 issued in November 1994, the Agency received a number of comments about the risks and benefits of cyanazine. All of the issues raised in the cyanazine comments received during the comment period are addressed in this Notice and are on file in the triazine public docket (OPP–30000/60). While a number of the comments challenged the Agency's decision to initiate the Special Review of the triazines and questioned various components of the Agency's assessments, no additional scientific data were received by the Agency that change the Agency's previous conclusions about potential risks from cyanazine exposure. The majority of the comments received were undocumented testimonials that generally made claims concerning the usefulness of cyanazine. A few commenters provided additional ground and surface water monitoring data. All of the comments relating to cyanazine benefits have been considered in assessing the economic impacts of phasing out cyanazine. Similarly, all of the comments relating to cyanazine risks have been considered in assessing the risks associated with the phaseout of cyanazine. Significant comments and the Agency's responses to the comments are discussed in appropriate sections of this Notice. Supporting documentation may be found in the cyanazine public docket (OPP–30000/60).

As discussed above, the Agency has recently granted cyanazine conditional registrations to Griffin Corporation. These recently-approved cyanazine registrations, as well as any others that may be granted by the Agency in the future, are required to comply with all of the same terms and conditions of registration for cyanazine as approved by the Agency for DuPont's registrations. The Griffin products were conditionally registered by the Agency provided that Griffin comply with all of the same terms and conditions of the DuPont cyanazine registrations. If Griffin does not comply with the same terms and conditions of the cyanazine registration, its registrations are subject to cancellation by the Agency in accordance with FIFRA section 6(e). Griffin's release for shipment of its products containing cyanazine constitutes acceptance of the terms and conditions of the registrations. In accordance with FIFRA section 3(c)(7)(A), these conditional registrations have been approved because the Agency has determined that they are substantially similar to other currently registered cyanazine products or differ only in ways that do not significantly increase the risk of unreasonable adverse effects to the environment.

B. Legal Background

In order to obtain a registration for a pesticide under FIFRA, an applicant must demonstrate that the pesticide satisfies the statutory standard for registration. The standard requires, among other things, that the pesticide will not cause ''unreasonable adverse effects on the environment'' [FIFRA section 3(c)(5)]. The term ''unreasonable adverse effects on the environment'' means ''any unreasonable risk to humans or the environment, taking into account the economic, social, and environmental costs and benefits of the use of any pesticide'' [FIFRA section 2(bb)]. This standard requires a finding that the benefits of each use of the pesticide outweigh the risks of such use, when the pesticide is used in compliance with the terms and conditions of registration and in accordance with commonly recognized practices.

The burden of proving that a pesticide satisfies the statutory standard is on the proponents of registration and continues as long as the registration remains in effect. Under FIFRA section 6, the Administrator may cancel the registration of a pesticide or require modification of the terms and conditions of a registration if the Administrator determines that the pesticide product causes unreasonable adverse effects to man or the environment. EPA created the Special Review process to facilitate the identification of pesticide uses that may not satisfy the statutory standard for registration and to provide a public procedure to gather and evaluate information about the risks and benefits of these uses.

A Special Review may be initiated if a pesticide meets or exceeds the risk criteria set out in the regulations at 40 CFR part 154. When EPA believes that a pesticide has met such risk criteria, a notice is published in the Federal Register which announces the initiation of the Special Review. After a PD 1 is issued, registrants and other interested persons are invited to review the data upon which the review is based and to submit data and information to rebut EPA's conclusions by showing that EPA's initial determination was in error, or by showing that use of the pesticide is not likely to result in unreasonable adverse effects on human health or the environment. In addition to submitting rebuttal evidence, commenters may submit relevant information to support EPA's initial conclusions or to aid in the determination of whether the economic, social and environmental benefits of the use of the pesticide outweigh the risks. After reviewing the comments received and other relevant materials obtained during the Special Review process, EPA makes a proposed decision on the future status of registrations of the pesticide.

The Special Review process may be concluded in various ways depending upon the outcome of EPA's risk/benefit assessment. If EPA concludes that all of its risk concerns have been adequately

rebutted, the pesticide registration will be maintained unchanged. If, however, all risk concerns are not rebutted, then EPA will proceed to assess risks and benefits. EPA considers possible changes to the terms and conditions of registration that can reduce risks to a level that satisfies the risk criteria used to initiate Special Review. If risks can be reduced to the level, then the Agency considers whether the benefits outweigh those risks. Based upon this analysis, it may require that such changes be made in the terms and conditions of the registration. Alternatively, EPA may determine that no changes in the terms and conditions of a registration will adequately assure that use of the pesticide will not cause any unreasonable adverse effects. If EPA makes such a determination, it may seek cancellation, suspension, or change in classification of the pesticide's registration. This determination would be set forth in a Notice of Final Determination issued in accordance with 40 CFR 154.33.

When the Administrator proposes to cancel, deny, or change the classification of the registration of a pesticide product which is the subject of a Special Review, regulations at 40 CFR 154.31(b) require that the Agency submit notices of preliminary determination to the Secretary of Agriculture and the Scientific Advisory Panel for review and comment. In the case of the proposed decision for cyanazine, the Agency does not deem this necessary because the cancellation of all cyanazine products is a voluntary action on behalf of the registrants.

Issuance of this Notice means that the Agency has assessed the potential adverse effects of cyanazine and has preliminarily determined that continued, but limited, use of the pesticide under the agreed-upon terms and conditions of cyanazine registration with DuPont and Griffin will not present unreasonable adverse effects when considering: (1) Risks and benefits of restricted, continued use of cyanazine through the phaseout period and (2) the ultimate cancellation of all cyanazine registrations. The Agency is proposing to terminate the Special Review of cyanazine based on the fact that use will be restricted during the phaseout period and no cyanazine use will be allowed after December 31, 2002, and, therefore, continuation of the Special Review is no longer necessary. Included as part of the terms and conditions of cyanazine registration are cyanazine registrants' waivers of rights to challenge the Agency's final action on the cyanazine Special Review or the terms and conditions of registration, including label amendments, required by agreements in any court or administrative forum. The complete terms and conditions that amend cyanazine registration are provided in Unit X. of this Notice.

II. Summary of Toxicological Concerns

A. Carcinogenicity

The initiation of the Special Review of cyanazine in 1994 was based on evidence that cyanazine may cause cancer in persons exposed to the chemical through their diet (food and drinking water) and through exposure while handling the chemical (mixer/loaders and applicators). This risk concern is based on a statistically-significant incidence of malignant mammary gland tumors in female Sprague-Dawley rats that were exposed to cyanazine through their diet for 2 years. In addition to the mammary gland tumors observed in these rats, the weight-of-the-evidence for the carcinogenic potential of cyanazine includes the evidence that cyanazine is structurally related to the other chloro-s-triazines which also induce mammary gland cancer in female Sprague-Dawley rats. Although cyanazine is structurally related to the other chloro-s-triazines, cyanazine differs in that it contains a cyano (nitrile) functional group that is highly reactive.

In March 1991, the OPP Carcinogenicity Peer Review Committee evaluated the weight-of-the-evidence for cyanazine, with particular emphasis on its carcinogenic potential. The Peer Review Committee concluded that cyanazine should be classified as a Group C, possible human carcinogen, and recommended quantification of human risk using a linearized multi-stage model to extrapolate from effects seen at high doses in laboratory studies to predict tumor response at low doses. Using this model, the cancer potency equivalent (Q_1^*) for cyanazine is 1.0 x 10^0 $(mg/kg/day)^{-1}$ based on the development of mammary gland adenocarcinomas and carcinosarcomas in female rats. This represents the 95 percent upper confidence limit of tumor induction likely to occur from a unit dose. The cancer classification of cyanazine has not been presented to the FIFRA Scientific Advisory Panel (SAP) for review.

A more detailed discussion about the evidence that cyanazine may cause cancer can be found in the PD 1.

B. Comments Regarding the Carcinogenicity of Cyanazine and the Agency's Response

Comment: DuPont Agricultural Products and Griffin Corporation responded that the Agency does not have sufficient toxicological evidence to support its position that cyanazine may pose a cancer risk to humans. Both state that the Sprague-Dawley rat model is inappropriate and that evidence supports their assertion that cyanazine tumorigenicity is associated with a hormonally-mediated threshold effect.

Agency Response: In the PD 1 for atrazine, simazine, and cyanazine, the Agency considered all information available at that time to evaluate the carcinogenic potential of the triazines, including the appropriateness of the Sprague-Dawley rat model, the method of quantifying the carcinogenic risk and DuPont's assertion that cyanazine tumorigenicity occurs through a hormonal mechanism. In response to the PD 1, the Agency received additional information with comments submitted for atrazine and simazine that will be reviewed and evaluated in the continuing Special Review of those chemicals. The Agency received no new information, however, to dispute the carcinogenicity classification for cyanazine. Currently, it is the Agency's policy to regulate carcinogens based on risk assessment procedures that utilize the Q_1^* approach in the absence of data to support the hypothesis of hormonally-mediated threshold responses. On several occasions, DuPont has indicated that they have undertaken research that will attempt to validate a hormonally-mediated mechanism of carcinogenicity; however, the Agency received no information from DuPont that attempts to prove such a mechanism exists.

Comment: DuPont does not believe that a link between breast cancer and exposure to cyanazine exists and has stated that reviews of several epidemiology studies on estrogen replacement therapy find no such link.

Agency Response: When the Agency initiated the Special Review for the triazines, it had not concluded that cyanazine was directly related to an incidence of human breast cancer. Upon review of published literature, the Agency indicated that such tumor development in humans seemed possible and that during the course of the Special Review, further research into epidemiological studies would hopefully provide information to make rational decisions about such cause and effect relationships. The Agency is not in a position at this point to draw any

definitive conclusions about human breast cancer and cyanazine; however, the Agency will continue to consider information throughout the Special Review of the other triazines that may help clarify whether an association exists. Information in published literature support the possibility that some link between breast cancer and the triazine herbicides is possible.

Comment: The National Coalition Against the Misuse of Pesticides (NCAMP) provided comments about the triazines in general without reference to cyanazine specifically. NCAMP supports the Agency's Special Review of the triazines but unequivocally states that the Agency must cancel the triazines due to unreasonable cancer risks.

Agency Response: The terms and conditions of DuPont and Griffin cyanazine registrations now provide for voluntary cancellation of all cyanazine registrations in 1999 and will eventually result in a total phaseout of the use of cyanazine in the U.S. During the period of the phaseout, the Agency estimates that the risks will be decreasing because of the reductions in allowable maximum application rates and the requirement that applicators must work in closed cabs. Taking the cyanazine phaseout and voluntary cancellation into consideration, the Agency has evaluated the risks and benefits of cyanazine and determined that the terms and conditions of the phaseout and voluntary cancellations, as submitted by the manufacturers and approved by EPA, will ultimately eliminate any unreasonable adverse effects associated with the use of cyanazine. Accordingly, the Agency is proposing to terminate the Special Review. As with all Special Reviews, cancellation of uses is an available option but is only imposed when other less severe risk reduction measures are not adequate to eliminate unreasonable adverse effects.

Comment: NCAMP commented that evidence supports the classification of all of the triazines as Group B carcinogens.

Agency Response: The Agency has taken its decision about the cancer classification of atrazine and simazine to the SAP on a number of occasions. The SAP agreed with the Agency's cancer classification of atrazine and simazine. Current weight-of-the-evidence for cyanazine supports its classification as a Group C carcinogen. Further, NCAMP did not provide any additional data or evidence to support their assertion. Accordingly, the Agency has concluded that cyanazine is a class C carcinogen. The Agency has not presented the cancer classification of cyanazine to the SAP, and in light of the cyanazine phaseout and the ultimate cancellation of this chemical, does not believe that it is necessary to do so.

Comment: In general, Griffin commented that the Agency failed to provide adequate information to allow others to fully evaluate its risk assessments.

Agency Response: As required by the regulations governing Special Review procedures, the Agency has provided a record of all background documents used in its assessments through the public docket. The public docket contains all supporting documentation that describes all of the assumptions and values used by the Agency to conduct the risk assessments. The Agency has made available the same level of information for the cyanazine Special Review as it has for other Special Reviews, and this information should be adequate to evaluate the assessments.

III. Summary of Exposure and Related Human Health Risks

In the PD 1, the Agency provided upper bound estimates of carcinogenic risks from dietary exposure from both food and drinking water and occupational exposure to handlers (mixer/loader/applicators) of cyanazine.

A. Dietary Exposure and Associated Risks

Dietary exposure to cyanazine can occur through the direct consumption of cyanazine residues in treated food as well as from commodities that contain secondary residues from animals that were fed cyanazine-treated crops. In the PD 1, the Agency considered all residues (per its equivalency policy), including parent cyanazine and both chloro and hydroxy metabolites, to be of toxicological concern. Anticipated residues were calculated using data from field trials, processing studies, and metabolism studies.

The total upper bound dietary risk estimate from exposure to cyanazine residues in food, as reported in the PD 1, is 2.9×10^{-5}. This estimate did contain a risk contribution from wheat and sorghum, uses which have been voluntarily cancelled and thus removed from cyanazine labels. Removing the risk contribution for wheat and sorghum from the total decreases the total upper bound risk to 2.7×10^{-5}. The Agency has not received any data that justifies the revision of any of the assumptions used in its dietary risk assessment other than the information with respect to the voluntary cancellation of the wheat and sorghum uses. For a detailed discussion of those assumptions, the reader is referred to the PD 1. Table 1 below provides the dietary risk estimates as discussed in the PD 1.

Table 1.—Dietary Cancer Risk Estimates for Cyanazine

Commodity	Anticipated Residue (ppm)	Percent Crop Treated	Exposure (mg/kg/day)	Upper Bound Cancer Risk Estimates
Corn	0.12	20	1.2×10^{-5}	1.2×10^{-5}
Cottonseed	0.09	5	9.3×10^{-8}	9.3×10^{-8}
Milk	0.00028 (milk) 0.000034 (non-fat solids)	—	1.2×10^{-6}	1.2×10^{-6}
Poultry and eggs	0.00232 0.00432[2]	—	3.1×10^{-6}	3.1×10^{-6}
Red meat	0.00345 0.0103[1]	—	1.0×10^{-5}	1.0×10^{-5}
Sorghum	0.10	5	1.2×10^{-7}	1.2×10^{-7}
Wheat	0.16	1	2.3×10^{-6}	2.3×10^{-6}
Total Total excluding wheat and sorghum				2.9×10^{-5} 2.7×10^{-5}

[1]Range of values were used for meat, meat byproducts, fat, liver, and kidney.
[2]Range of values were used for meat, meat byproducts, fat, liver, kidney and eggs.

B. Comments Regarding Cyanazine Dietary Risk Estimates and the Agency's Response

Comment: Griffin contends that Anticipated Residue (AR) values used by EPA were not identified and interpolation of EPA's calculations reveals that values used are exaggerated and inappropriate for determining actual dietary risks. Griffin further objects to the Agency's use of translated data from cattle to estimate anticipated residues in other animal commodities. DuPont disagreed with the extrapolation from metabolism studies to estimate residues in meat, milk, and eggs and the assumption that 100 percent of the livestock feed from corn, cotton, wheat, and sorghum has been treated with cyanazine.

Agency Response: The AR values used in the Agency's risk assessment are listed in Table 1 above and were identified in the PD 1 as well as in the supporting documentation that was in the public docket at the time of publication of the PD 1. In completing the dietary risk assessment for cyanazine, the Agency utilized its standard approach to estimate AR values and then used those values in determining dietary exposure estimates and carcinogenic risk through its Dietary Risk Evaluation System (DRES). Documentation supporting the estimation of ARs and dietary exposure values is contained in the references used for the triazine PD 1 and can be found in the triazine public docket. To determine the cyanazine AR values for risk assessment purposes for crop commodities, the Agency averaged the actual residues detected in field trials; for nondetectable residues, the Agency assumed the residue level equalled one-half of the analytical method's limit of detection. This approach precludes the possibility of overestimating or underestimating risks that could otherwise be based on residue values at high or low detections. To estimate the ARs for animal commodities, the Agency used animal dietary burden data which take into consideration anticipated residues on feed crops as well as percent crop treated data and animal metabolism studies. Since the consumption of feed by animals has already been adjusted to account for the percent of the crop that has been treated with cyanazine, use of the 100 percent assumption is appropriate.

The Agency routinely translates data between commodities with sufficient similarities, such as translating apple data to pears. Translation is performed when data are either not available or are insufficient. In the case of cyanazine, crop data do exist. Data for cattle and other ruminants can be translated only to other animals such as goats, sheep, hogs or horses, but not to poultry. Ruminant data exist for cyanazine and were used to estimate risks in the PD 1. However, at the time the PD 1 was published, cyanazine poultry metabolism data were not available. Therefore, atrazine poultry metabolism data were translated to cyanazine. Since atrazine and cyanazine were grouped for Special Review purposes due to their structural and metabolic similarities, the Agency considered it to be appropriate to bridge this data gap by translation. Griffin did not provide an alternative risk assessment for the Agency to review or any additional data for review and consideration in refining risk estimates.

Comment: Griffin stated that the Agency's use of information from the 1977 - 1978 National Food Consumption Survey to estimate consumption values is inappropriate because food consumption patterns have changed dramatically over the past 17 years; therefore, ingestion rates used in the dietary risk assessment are invalid. Griffin also stated that the source of the percent crop treated data was not provided.

Agency Response: Although Griffin did not agree with the Agency's use of the 1977 - 1978 information to predict ingestion rates, it provided no data that the Agency could use to revise the consumption values. The Agency acknowledges that the 1977 - 1978 National Food Consumption Survey may not reflect the most current consumption profile of individuals in the United States. The continuing surveys of food intake by individuals were performed in 1989 through 1991; the Agency is working to translate these data into a form useful for the Agency's Dietary Risk Evaluation System. However, until these data are in a useable form, the Agency will continue to use the 1977 - 1978 data.

The Agency revised the percent crop treated data for cyanazine in 1994 using the most current United States Department of Agriculture (USDA) and other proprietary usage estimates that were available at that time. The data reflect annual fluctuations in use patterns as well as variability as a consequence of using data from various information sources. Griffin did not supply any percent crop treated data for the Agency to evaluate.

Comment: Griffin asserts that EPA calculations incorrectly assume that all secondary sources of ingested cyanazine are contaminated with 100 percent of the AR level.

Agency Response: The Agency does use 100 percent of the AR level in its calculations to estimate dietary risk; however, as discussed above, the AR value has taken factors into consideration to adjust for the fact that 100 percent of a crop may not be treated with the chemical. Therefore, further percent crop treated adjustments are not necessary and would tend to underestimate potential risks.

Comment: Griffin purports that EPA provided no specific information about the exposure frequency and exposure duration values used in its calculations; i.e., EPA assumes that an individual consumes a maximum amount of a particular food all in the same day, every day, for an entire lifetime and does not account for differences in exposure duration for people living in urban areas, rural areas and farms.

Agency Response: The Agency acknowledges that there are differences in food consumption habits across the U.S. To estimate chronic dietary risk, the Agency considered information it has on the general U.S. population as well as 22 population subgroups. The Agency's Dietary Risk Evaluation System utilizes information that was obtained from the 1977 - 1978 food consumption survey discussed above. This survey was designed to statistically encompass all income levels and all population areas of the U.S., including participants from both rural and urban areas. Average dietary consumption of an individual over a 3–day period is determined. The consumption value is then matched to the self-reported body weight of the individual. All data for both consumers and non-consumers of a particular commodity are then combined or averaged to determine dietary exposure. Currently, this survey provides the best estimate of food consumption patterns in the U.S., assuming average consumption over a 70-year lifetime.

Comment: Griffin contends that EPA provided no information indicating the values used for body weight assumptions.

Agency Response: Details about the assumptions used in the DRES calculations were provided in the public docket. To calculate dietary risk estimates for food and drinking water consumption, the Agency has used information that was obtained in the 1977 - 1978 food consumption survey. This survey matched individual consumption with individual reported body weights of the respondents and the information is then used by the Dietary Risk Evaluation System to estimate risk. Therefore, the Agency has used the self-reported body weights to calculate both the dietary and drinking water risk estimates. The self-reported body

weights average out to approximately 58 kg.

Comment: DuPont states that, because the use of cyanazine on sorghum and wheat was voluntarily canceled, risks from these sources should be removed from the risk assessment calculations.

Agency Response: The Agency accepted DuPont's request to voluntarily cancel cyanazine use on wheat and sorghum. The Agency has removed the risk contribution from use on wheat and sorghum from the dietary risk assessment. The upper bound dietary risk estimate without the contribution from wheat and sorghum is 2.7×10^{-5} which is still considered to be unacceptable.

Comment: DuPont commented that EPA has presented upper bound risk estimates only and ignored the most likely estimates which would be orders of magnitude lower.

Agency Response: It is standard policy for the Agency to provide upper bound carcinogenic risk estimates. The use of less than upper bound risk estimates may not adequately account for risks to the most sensitive populations such as infants, children, or the elderly. The Agency acknowledges that the true risk estimates may be as low as zero for some people in some risk scenarios; i.e. where no exposure is present.

Comment: DuPont stated that EPA should not make the assumption that chloro and hydroxy metabolites of cyanazine are as toxic as the parent chemical.

Agency Response: In the absence of appropriate toxicological information, it is the Agency's policy to use a default assumption that metabolites are no more or no less toxic than the parent compound. The Agency is not aware of any information that indicates that cyanazine metabolites are less toxic than cyanazine itself. The Agency has completed its review of the hydroxyatrazine study and is currently determining the study's impact on atrazine and simazine anticipated residue calculations. The Agency has decided that translation of the results of this study to simazine is appropriate. However, because the structure of cyanazine contains the cyano functional group and the other two triazines in Special Review do not, the Agency has decided that it would not be appropriate to translate results of the hydroxyatrazine study to cyanazine.

C. Drinking Water Exposure and Associated Risks

Ground and surface water sources provide drinking water for human consumption. While the Agency does not yet have an enforceable regulatory standard or Maximum Contaminant Level (MCL) for cyanazine contamination of drinking water, a lifetime Health Advisory Level (HAL) has been established at 1.0 µg/L. Information from a number of ground and surface water monitoring studies has indicated that cyanazine detections are frequently found, especially in surface waters.

To prepare the PD 1, the Agency considered information from a number of surface water monitoring studies that indicated the presence of cyanazine in areas of the Midwest where it is frequently used. The information from these studies indicates that cyanazine is detected in many streams and rivers for several months post-application at concentrations of at least several µg/L due to runoff. However, the percentage of detections is lower during early spring (pre-application) and during fall and winter, many months after application. Concentrations are usually less than 1.0 µg/L. There are reports of cyanazine detections in some lakes and reservoirs that remain constant at several µg/L almost year round. The ground and surface water monitoring studies that provide evidence of cyanazine contamination of water supplies are discussed in the PD 1.

The Agency based its drinking water risk concerns on the cyanazine detections discussed above and calculated high end (90th percentile) as well as risk estimates for mean consumption of cyanazine-contaminated drinking water derived from both ground and surface water sources. In the PD 1, the Agency's estimates from exposure to a mean concentration of cyanazine in ground and surface water are 2.3×10^{-6} and 9.7×10^{-6}, respectively. The upper bound risk estimates from a 90th percentile exposure in ground and surface water are 4.0×10^{-6} and 6.6×10^{-5}, respectively. These risk estimates may underestimate the actual risk because they are based on exposure to cyanazine parent compound only and do not include the potential contribution to risk from cyanazine degradates. The Agency is also concerned about exposure to cyanazine degradates that are assumed to be no more or less toxic than the parent compound. It is important to note that the cyanazine drinking water risk estimates are representative values for individuals residing in the corn belt region where the chemical is used and do not apply to the entire U.S. population, particularly areas where the chemical is not used. Details about the Agency's drinking water assessments for ground and surface water may be found in the PD 1. Since the publication of the PD 1, the Agency has not received any information that would significantly alter the cyanazine risk estimates. Table 2 below shows the drinking water risk estimates as provided in the PD 1.

Table 2.—Excess Individual Lifetime Cancer Risk Estimates from Consumption of Cyanazine-Contaminated Surface and Ground Water

	Mean Exposure	90th Percentile
Cyanazine - surface water	9.7×10^{-6}	6.6×10^{-5}
Cyanazine - ground water	2.3×10^{-6}	4.0×10^{-6}

D. Comments Regarding Cyanazine Drinking Water Risk Estimates and the Agency's Response

Comment: DuPont and Griffin contend that data from ground water monitoring programs conclusively demonstrate that cyanazine ground water detections are either nonexistent or extremely low. Neither EPA's modeling nor actual ground water survey data support any regulatory action to alter cyanazine registration status. DuPont and Griffin specifically noted that studies cited in the PD 1 do not support the claim that ground water contamination with cyanazine is a concern.

Agency Response: The Agency continues to believe that cyanazine contamination of ground water supplies poses concerns. Griffin was correct in stating that cyanazine was not detected in EPA's National Survey of Pesticides in Drinking Water Wells. However, the detection limit in the survey was 2.4 µg/L whereas the Agency's HAL for cyanazine is 1.0 µg/L. It is quite possible that there were undetected residues of cyanazine at or greater than the HAL but less than the detection limit. The fact that cyanazine was detected in few

wells in the Monsanto National Alachlor Well Water Survey is reasonable because the survey focused on the alachlor use area. The Agency does not believe that the use of cyanazine geographically coincides closely enough with the use of alachlor to rely heavily on the results of this study to be representative of the contamination potential of cyanazine. For example, in Illinois, only a small percentage of the total corn acreage is treated with both alachlor and cyanazine. Most alachlor applications are accompanied by treatments with atrazine, dicamba, or glyphosate. Therefore, it would be less likely to detect cyanazine in alachlor use areas. Also, no degradates were analyzed for in the survey. Griffin further stated that no cyanazine was detected in ground water during retrospective studies conducted by Shell. Although the wells were located near fields in which corn had been grown in the last 5 years, in areas where 60 - 69 percent of the wells were tested, cyanazine was not used or usage could not be confirmed in the associated corn field. Therefore, these studies do not represent the most accurate impact of cyanazine use on ground water quality. Cyanazine was detected in 155 of 7,468 wells as noted in EPA's Pesticides in Ground Water Database. The cyanazine detections in the wells of 14 states probably resulted from nonpoint source mechanisms.

The Agency acknowledges that the parent cyanazine compound may not be very persistent under most field conditions; however, total chloro-degradate residues of cyanazine are potentially very persistent depending on environmental conditions such as those that may be found in ground water reservoirs. The Agency also acknowledges that less information is available about the contamination of ground water with cyanazine than with atrazine simply because cyanazine has not been as extensively researched as atrazine. However, the information that the Agency does have about the fate characteristics of cyanazine, the monitoring data, and the large amounts of cyanazine that are used continues to support the Agency's concern for ground water contamination.

Comment: DuPont stated that the Agency has no information indicating that cyanazine metabolites will reach ground water in concentrations of toxicological concern.

Agency Response: The Agency has limited data on the detection of cyanazine degradates in ground water; however, cyanazine is structurally similar to atrazine and simazine and has similar environmental fate characteristics with some common degradates. Because of the similarity in fate characteristics, the Agency believes that it is reasonable to assume that cyanazine degradates may reach ground water supplies. Both atrazine and cyanazine degrade to deisopropyl atrazine, a chlorodegradate that the Agency assumes to be no more or less toxic than the parent compound.

Comment: Griffin commented that EPA's use of CHEMRANK and LEACH models overestimates cyanazine's leaching potential.

Agency Response: The Agency believes that the models used are helpful in judging whether significant differences exist in the leaching potential between different pesticides but are not truly predictive of the amounts of pesticides that will leach to ground water at a particular site. In addition, the screening models used do not take degradates into account; one particular cyanazine degradate, deisopropyl atrazine, is extremely mobile and has been widely found in ground water. So, the models may in fact underestimate risk.

Comment: The South Dakota and Minnesota Departments of Agriculture and the Illinois Environmental Protection Agency submitted surface water monitoring data in response to the PD 1 that included information for cyanazine.

Agency Response: The Agency has considered the data submitted by each of these commenters. The South Dakota and Minnesota data were consistent with United States Geological Survey (USGS) 1989 and 1990 reconnaissance studies of the Midwestern corn belt that showed levels of cyanazine in the surface waters of those states generally to be substantially lower than in several other states such as Illinois, Iowa and Ohio. Although the available data are not sufficient to conclude with certainty that cyanazine is not a potential problem in either state, the Agency's primary concerns were and remain at this time with some of the other corn belt states. For example, arithmetic average annual cyanazine concentrations for samples collected from West Lake, IA, exceeded the HAL in 1992 and 1993, and for samples collected from Rathbun Reservoir, IA, exceeded the HAL in 1992 and 1994. Although these averages are arithmetic and are only of detects, the Agency believes in this case that the arithmetic averages are relatively close to time-weighted mean concentrations because of the regularity of the sampling dates. Such regularity would not be observed if there were a significant number of non-detects or if the sampling schedule was skewed. Additionally, the Agency received raw data from the Environmental Working Group in which 29 surface water supplies were monitored for cyanazine biweekly from March, April or May through August 1995. Using these data, the Agency calculated time-weighted mean concentrations. Six of the 29 systems sampled had cyanazine estimated time-weighted mean concentrations greater than the HAL of 1.0 µg/L (Bowling Green, OH - 1.4 µg/L; Columbus, OH - 1.04 µg/L; Danville, IL - 2.47 µg/L; Decatur, IL - 1.88 µg/L; Johnson County, KS - 1.01 µg/L; and Springfield, IL - 3.07 µg/L) (Ref 6).

In response to the PD 1, the Illinois Environmental Protection Agency submitted data to update their network of 30 raw surface water sampling sites from the Moyer and Cross report that covered 1985 - 1988 to include 1989 - 1993. Also provided were data on cyanazine concentrations in finished water samples collected quarterly from September 1992, to June 1994, from numerous surface water source supplies throughout the state. Although the data updating the 30 raw water sampling stations is in summary form with only mean concentrations provided for the entire sampling period (1985 - 1993) given for each site, the reported cyanazine average concentrations equaled or exceeded the HAL at 7 of the 30 sites and equaled or exceeded 3 µg/L at 2 of those sites, even with the damping effect associated with long-term multiple year averaging. Although the arithmetic averages may be somewhat greater than time-weighted mean concentrations, the Agency believes that they are probably not that much greater due to the general collection of samples pre-application and during the fall as well as a small number post-application. The data further support the Agency's position that cyanazine detections in the surface waters of Illinois remain of concern.

Comment: Griffin and DuPont commented that detections of cyanazine in surface water fluctuate seasonally with detections peaking in spring and summer but returning to background levels that do not present health concerns for the majority of the year. DuPont believes that studies on effectiveness of best management practices (BMP) provide evidence that DuPont's BMP efforts have helped reduce surface water levels.

Agency Response: The Agency agrees that cyanazine detections tend to be seasonal; however, the detections that are reported remain as a concern to the Agency. Monitoring data post 1990 from West Lake and Rathbun Reservoir in

Iowa, as well as data provided to the Agency by the Environmental Working Group and the Illinois Environmental Protection Agency, support the Agency's concern that average annual cyanazine concentrations in some surface source drinking water supplies continue to exceed the HAL of 1 µg/L. Data from studies conducted by Baker in Ohio and the USGS in the Midwestern corn belt show that maximum cyanazine concentrations exceed the HAL and that such concentrations may last several weeks post-application. The Agency agrees with DuPont's statement that concentrations of cyanazine exceeding 10 µg/L are more likely to occur in small streams rather than larger streams and rivers where the concentration is likely to be diluted. DuPont's assertion that small streams do not generally supply drinking water is true. However, cyanazine concentrations often remain elevated for longer periods of time in larger streams and rivers due to cyanazine loadings that occur at different times within the watershed upstream from the sampling location. Also, cyanazine concentrations appear to remain elevated longer in lakes and reservoirs such as West Lake and Rathbun Reservoir due to lower microbiological activities coupled with long hydrological residence times. In the USGS reconnaissance survey of 129 surface water sites within the Midwestern corn belt, greater than 10 percent of the sites had post-application concentrations of cyanazine greater than 10 µg/L; in the study by Baker of eight tributaries of Lake Erie over 4 years (32 site-years), 19 percent had maximum concentrations exceeding 10 µg/L.

The Agency does believe that the changes brought about by the adoption of the BMPs has helped to decrease the triazine loading of surface waters. The Agency believes that the reduction in use rates called for during the phaseout of cyanazine will further help reduce the loading to surface waters from agricultural runoff. However, the decreases observed since the use of BMPs are small and recent data show that cyanazine contamination of some surface water source drinking supplies continues to be a concern.

Comment: DuPont disagrees with the Agency's use of a 20 percent Relative Source Contribution (RSC) factor to calculate the HAL and suggests that the Agency revisit this issue before assessing risk based on the current number.

Agency Response: The RSC value is a factor that is used to establish regulatory standards for levels of a contaminant in drinking water. The RSC apportions the allowable doses of a contaminant that are derived from food, water and air. In the case of cyanazine, the Agency has used the default value of 20 percent due to lack of data to support any other value. In other words, the Agency is allowing only 20 percent of the total amount of cyanazine exposure to come from drinking water; the remaining 80 percent can be contributed through other exposure routes such as food and air. In 1994, DuPont requested that the Agency revise the RSC value and modify the cyanazine HAL accordingly. The Agency responded to DuPont's request, concluding that the 20 percent default value for the RSC was appropriate at this time due to uncertainties associated with the contribution of total triazines and their degradates to the total exposure. The Agency has received no additional information that warrants making this change and, therefore, continues to believe that the default value is appropriate. In the PD 1, the Agency's calculations to determine drinking water risk estimates do not use the RSC value or the HAL for cyanazine since actual intake survey data were used to estimate consumption of drinking water and monitoring data were used to estimate exposure to cyanazine. Therefore, changing the RSC value would have no effect on the Agency's drinking water risk estimates.

Comment: DuPont disagrees that inclusion of cyanazine metabolites may increase exposure to cyanazine by 10 percent. DuPont submitted data on metabolites in several reservoirs.

Agency Response: In the PD 1, the Agency's statement that degradates could increase exposure by 10 percent referred to total triazine degradates in general and did not refer specifically to cyanazine. The study on metabolites in reservoirs, to which DuPont refers, had very high detection limits for major cyanazine degradates; therefore, it is reasonable to conclude that cyanazine degradates were detected in a relatively low percentage of samples. However, in some of the samples where degradates were detected, they were at concentrations comparable to those of parent cyanazine.

Comment: DuPont agrees that there are numerous sites where a single measurement or even several measurements may exceed the HAL for cyanazine, yet the annual mean may not exceed the HAL. DuPont states that it is inappropriate to use chronic exposure standards in dealing with exposure from surface waters which are highly variable.

Agency Response: The Agency agrees that the concentration of individual surface water samples taken at a given point in time should not be compared to long-term regulatory standards and has only compared arithmetic and time-weighted annual mean concentrations to the HAL for cyanazine. The Agency has compared some maximum and individual cyanazine concentrations to short-term HALs and to 4 times the HAL. The rationale for comparing maximum or other individual concentrations to 4 times the guidance value is that any single quarterly concentration that is greater than 4 times the guidance value will automatically make the annual average of four successive quarterly samples greater than the guidance value. If this guidance value was actually a regulatory standard, the system would be out of compliance with the Safe Drinking Water Act.

Comment: EPA reports that a high percentage of samples from the Chesapeake Bay have triazine detects. DuPont believes such detects should be quantified when assessing risk.

Agency Response: The statement in the PD 1 about a percentage of triazine detections in the Chesapeake Bay was intended to support the fact that the triazines are widely distributed in surface waters. The statement was not meant to be interpreted as any measure of risk but rather the far ranging distribution of the triazines in the environment. Also, the statement referred to atrazine only, not cyanazine, and stated that a small percentage of detections were greater than 3 µg/L.

Comment: DuPont recommends that EPA reconsider appropriate action levels for regulating drinking water contaminants that can occur at varying levels over time. Using an identical exposure level over 70 years of exposure represents excessive conservatism in risk management.

Agency Response: Actual exposure data on the same watershed over many years are not available so the Agency cannot conduct assessments as recommended by DuPont. Results using modeling, a possible future option, are currently not sufficiently reliable to use in absolute comparisons to MCLs or MCLGs. In addition, for regulatory purposes, the Safe Drinking Water Act requires the comparison of running annual average concentrations based upon four successive quarterly samples to be compared to the MCL. The Agency acknowledges that the use of water from the same source containing the same contaminant level is conservative since most of the U.S. population moves at some time during their life and does not live in the same area drinking from the same water source for a 70-year lifetime. However, it could be considered as

either an over- estimation or under-estimation depending on the contaminant levels in the other sources of drinking water.

Comment: DuPont disagrees with EPA's statement that the concentration of cyanazine in a watershed is proportional to the watershed's size.

Agency Response: The Agency did not state that the concentration of cyanazine in a watershed is directly proportional to the watershed size. DuPont has misquoted the statement actually made in the PD 1. The Agency stated that ''peak concentrations of triazines are generally greater in surface waters draining small watersheds than in those draining large watersheds. . . .'' The statement was intended to be interpreted in the context of discussing watersheds which receive high cyanazine applications. As discussed earlier, smaller streams tend to have higher concentrations than do larger streams and rivers.

Comment: DuPont is not aware of any data showing that tile drainage and/or ground water inflow contributes substantially to cyanazine loading of surface waters.

Agency Response: Both Moyer and Cross (1990) and Squillace and Engberg (1988) believe that tile drainage and/or ground water inflow sometimes contribute significantly to triazine loadings of surface waters. Because cyanazine has a shorter half-life in surface soil than does atrazine, such contributions are probably substantially smaller for cyanazine than for atrazine.

Comment: DuPont commented that EPA indicates that the cumulative effects of various triazines are assumed to be additive. DuPont disagreed stating that information in a study report they submitted in response to the PD 1 entitled ''Assessment of the Reproductive and Developmental Toxicity of Pesticide/Fertilizer Mixtures Based on Confirmed Pesticide Contamination in California and Iowa Ground Water,'' indicates no additive effects and that safety margins in the HAL are more than adequate to protect human health and the environment.

Agency Response: Although it is unclear, the Agency assumes that DuPont is referring to additive toxic effects of pesticides as it relates to the Agency's combined risk assessment across several triazines and exposure routes in the PD 1. The study to which DuPont is referring assessed the reproductive and developmental toxicity, not carcinogenicity, of pesticide/fertilizer mixtures based on ground water contamination. The Agency continues to believe that additive effects of exposure to multiple chemicals may increase risks and will continue to evaluate and revise the combined risk assessment as appropriate though the continuing triazine Special Review. Safety margins built into HALs do not account for additive effects of multiple chemical exposures.

Comment: Griffin commented that the exposure values EPA used to characterize daily intake of drinking water are not consistent among the calculations to determine risk from exposure at the HAL, risk from surface water exposure and risk from ground water exposure or with accepted risk assessment methodology.

Agency Response: The Agency acknowledges that different body weight assumptions were used in calculating the risk assessment performed for exposure at the HAL (The Agency specified a 70 kg body weight and 2 L/day water consumption value in the PD 1) than were used to calculate risks from ground and surface water consumption. Calculating risk at the HAL is a screening level assessment similar to using tolerance level residues to estimate risk for dietary consumption. The Agency acknowledges that there can be different default assumptions for water consumption; however, the 2L value used to determine the HAL is a traditionally accepted value. However, the Agency provided a refined assessment for the PD 1 that used actual ground and surface water monitoring data and self-reported body weights from the 1977 - 1978 food consumption survey. Use of actual data to estimate risks, as was done in this case, provides a more realistic estimation than does using default assumptions such as exposure at the HAL or an assumed value for body weight.

Comment: Griffin stated that EPA has consistently used maximum or high-end values in the drinking water evaluation. The basis for using time-weighted averages is not clear. Actual exposure and risk is doubled because: (1) EPA has not considered surface water treatments that may reduce contamination, (2) it appears that EPA used a body weight of 50 kg in its calculations, and (3) EPA applied an exposure value reflecting tap water only and not commercial beverages. EPA has used maximum values in its drinking water assessment even though cyanazine has actually been detected in few samples.

Agency Response: The Agency disagrees with Griffin's statement that maximum or high-end values have been used to estimate exposure in drinking water. The Agency has used time-weighted mean concentrations to provide a better estimate of the exposure to triazine residues over an extended period of time in order to reduce any over- or underestimation effects that may result from the variability of detection levels at specific sampling times. In estimating exposures in surface waters, time-weighted mean concentrations are generally better approximations of the actual time integrated mean concentration than are arithmetic means whose values tend to be greater due to the general increase in sampling frequency during periods when the highest triazine concentrations are expected.

The Agency has not considered surface water treatment effects on the exposure to cyanazine because it cannot be assumed that all individuals are consuming drinking water that has actually been treated. It cannot be assumed that every household is connected to a public water system that provides adequate treatment to remove possible triazine contamination. Since most water systems employ only primary treatment methods (e.g., solids removal), cyanazine concentration in raw and in finished water should generally be comparable. It is true that the Agency did not include ''commercial water'' such as that added during the manufacturing and processing of beverages. The survey from which the Agency has taken the drinking water consumption value only included tap water that is consumed directly or that is used in the preparation of foods or beverages in the home.

Comment: DuPont submitted a number of studies in response to the PD 1 that provides information about the effects of BMPs on cyanazine movement in the environment.

Agency Response: The Agency has not reviewed these studies to prepare this Notice. As discussed earlier, the Agency does not believe that the BMPs that have been put in place have totally addressed the Agency's ground and surface water concerns because of the more recent monitoring data that continue to show detections. These studies will be considered in the continuing Special Review of atrazine and simazine to evaluate the effects of BMPs on herbicide environmental contamination. Even though some of the BMPs may have a positive impact on ground and surface water contamination and potential ecological effects, the risk concerns associated with occupational exposure and dietary exposure from food consumption will remain unchanged.

Comment: The Environmental Working Group (EWG) submitted its report ''Tap Water Blues'' to the Agency in response

to the initiation of the triazine review. EWG also submitted a follow-up report entitled ''Weed Killers by the Glass'' which indicates cyanazine detections in drinking water samples taken directly from the taps in people's homes or offices.

Agency Response: The Agency thinks that the data indicating cyanazine detections in drinking water are significant and support the Agency's risk concerns. As discussed earlier, some of the water systems that were sampled by EWG had time-weighted mean concentrations higher than the cyanazine HAL of 1.0 µg/L. The Agency will fully evaluate the information with respect to atrazine and simazine as part of the continuing Special Review of the triazines.

Comment: EWG comments that EPA standards for triazines in food and drinking water are not consistent and allow levels in drinking water that are unsafe and would not be allowed in foods. EWG points out that there is no enforceable standard for cyanazine and recommends promulgation of a combined MCL for the triazines, including metabolites. NCAMP also commented that the Agency's regulation of contaminants in drinking water is less stringent than the regulation of residues in food and that metabolites should be included in all regulatory standards.

Agency Response: While the Agency does not have an MCL for combined triazines, including metabolites at this time, it is considering establishing such an enforceable standard. Because cyanazine is being phased out over the next several years, it is unlikely that the Agency will establish an MCL for cyanazine.

Comment: EWG recommends weekly monitoring of drinking water in susceptible regions for all triazines and metabolites during high runoff and vulnerable periods. EWG also recommended that exposure estimates must include recent data from Missouri and other states demonstrating that peak exposures and annual average concentrations for many rural communities far exceed health standards.

Agency Response: The Safe Drinking Water Act establishes the requirements for monitoring pollutants in drinking water. The Agency will consider the most recent monitoring data available to estimate triazine exposure in drinking water when the risk estimates are revised for the preliminary determination of the triazine Special Review.

Comment: EWG commented that the Agency must concentrate its risk assessment only on exposed populations. Unexposed populations deflate risks faced by people with contaminated water.

Agency Response: The Agency acknowledges the value of this comment and, providing that adequate information is available, will respond to this issue in the PD 2/3 for atrazine and simazine.

E. Occupational Exposure and Associated Risks

For the PD 1, the Agency determined exposure estimates for cyanazine use on corn, the predominant use site, for different scenarios depending on whether the person exposed to cyanazine was mixing, loading or applying cyanazine or performing a combination of these tasks. Additionally, estimates were provided for growers and commercial applicators and whether open or closed equipment is used. Those estimates were based only on dermal exposure assuming a dermal absorption value of 2 percent and a use rate of 3 pounds active ingredient per acre (lb/ai/acre).

Just prior to initiating the triazine Special Review, DuPont provided the Agency with its own occupational risk assessment that estimated exposure to cyanazine by using information in the Pesticide Handlers Exposure Database (PHED) for ground application (Ref. 7). After reviewing DuPont's assessment, the Agency revised its own risk assessment for ground application of cyanazine by using PHED information to estimate worker exposure (Ref. 8). Aerial application risks were not revised and remain as reported in the PD 1. The Agency used a more recent version of PHED (version 1.1) than did DuPont (version 1.01) that contains more data and therefore provides a greater degree of confidence in the exposure estimates. Table 3 below provides the Agency's revised occupational risk estimates as well as DuPont's estimates for groundboom application of cyanazine.

Table 3—Exposure and Risk Estimates for Groundboom Applications of Cyanazine to Corn

	Daily Exposure mg/kg/day	Annual Exposure mg/kg/year	LADE mg/kg/day	Estimated Upper Bound Risk (EPA)	Estimated Risk (Dupont)
Grower					
Mixer/Loader Open	0.0099	0.0109	1.5×10^{-5}	1.5×10^{-5}	1.71×10^{-6}
Applicator Open	0.0044	0.0048	6.5×10^{-6}	6.5×10^{-6}	5.2×10^{-7}
M/L/A Open	0.0143	0.0157	2.2×10^{-5}	2.2×10^{-5}	2.23×10^{-6}
Mixer/Loader Closed	0.0020	0.0022	3.0×10^{-6}	3.0×10^{-6}	N/A
Applicator Closed	0.0016	0.0018	2.4×10^{-6}	2.4×10^{-6}	N/A
M/L/A Closed	0.0036	0.0040	5.4×10^{-6}	5.4×10^{-6}	N/A
Commercial					
Mixer/Loader Open	0.0729	0.0874	1.2×10^{-4}	1.2×10^{-4}	5.28×10^{-5}
Applicator Open	0.0321	0.0385	5.3×10^{-5}	5.3×10^{-5}	4.64×10^{-6}
M/L/A Open	0.1050	0.1259	1.7×10^{-4}	1.7×10^{-4}	5.75×10^{-5}
Mixer/Loader Closed	0.0147	0.0177	2.4×10^{-5}	2.4×10^{-5}	N/A
Applicator Closed	0.0117	0.0139	1.9×10^{-5}	1.9×10^{-5}	N/A
M/L/A Closed	0.0264	0.0316	4.3×10^{-5}	4.3×10^{-5}	N/A

Daily Exposure = lb ai/day X Unit exposure X % Dermal absorption/70
Annual Exposure = lb ai/year X Unit exposure X % Dermal absorption/70
LADE = Annual exposure } 365 X 35/70
Risk = LADE X Q*
Dermal absorption = 2% (DuPont's estimates are based on 1% dermal absorption)
Q* = 1

F. Comments Regarding Cyanazine Occupational Exposure Risk Estimates and Agency's Response

Comment: Griffin asserts that: (1) EPA has used an application rate of 3 lb/ai/a, but states that 1.5 lb/ai/acre is commonly used for cyanazine, and that using the higher rate is a violation of EPA's legal obligation to base regulatory activities on actual data, (2) EPA used a dermal absorption value of 2 percent to calculate risks, while studies indicate the actual dermal absorption value to be .84 percent, and (3) EPA's risk assessment is overestimated and meaningless because application rates were doubled and the dermal absorption value was exaggerated.

Agency Response: The Agency has estimated occupational exposure to cyanazine based on an application rate of 3 pounds per acre when applying cyanazine alone. The Agency noted in its risk assessment that a rate of 1.5 pounds per acre is often used; however, this rate is typically used when cyanazine is applied in combination with another herbicide, often atrazine. While some cyanazine usage occurs at rates greater than 3 lb/ai/acre (up to greater than 5.0 lb/ai/acre) the majority of usage occurs at rates of 3 lb/ai/acre or less. The dermal absorption rate used in the Agency's risk calculation is based on the actual amount absorbed plus the amount remaining bound to the skin after washing as shown in a dermal absorption study. Therefore, the 2 percent value used in the Agency's risk assessment represents the total amount of cyanazine that could potentially be absorbed through the skin. Assuming that the amount remaining bound to the skin after washing will be absorbed over time is consistent with the Office of Pesticide Programs' risk assessment practices.

Comment: DuPont commented that occupational exposure risks were in the acceptable range and referenced their risk assessment submitted to the Agency.

Agency Response: After reviewing DuPont's assessment, the Agency revised its occupational risk assessment and then compared the two. In using updated PHED information, the Agency's revised risk estimates were lower than those estimates originally reported in the PD 1; however, the risk estimates are not as low as those estimated in DuPont's assessment. The assumptions that the Agency used in its risk estimates vary from the assumptions used by DuPont. The Agency's unit exposure estimates are based on a newer version of PHED and the Agency has also used a different dermal absorption value than DuPont, as discussed above. The Agency used information from PHED derived from atrazine studies in which application parameters comparable to those for cyanazine were used. DuPont's assessment for applicators is unacceptable due to the lack of sufficient replicates used. Most of the exposure estimates for applicators were based on data representing less than the required minimum of 15 replicates per body part. Further, for some of the exposure scenarios used by DuPont, the risks were higher than negligible and of concern. The Agency has used updated use and usage information to estimate the number of acres treated for exposure estimations. Therefore, the Agency believes its revised estimates are more accurate than those presented in the PD 1 and those calculated by DuPont.

G. Combined Cancer Risks Across Multiple Exposure Pathways and Chemicals

In the notice initiating the Special Review of the triazine herbicides, the Agency provided examples of assessments of total risk that was possible to individuals who may be exposed to more than one of the triazines and from more than one exposure pathway. This was the first time that the Agency looked at the additive risks associated with a group of similar pesticide chemicals. In the combined risk assessment, the Agency provided estimates of the total risk from exposure to atrazine, simazine and cyanazine from dietary, drinking water, occupational and residential exposure. In the PD 1, the Agency acknowledged that various total risk estimates were possible depending on the combination of chemicals to which one is exposed and the combination of exposure routes. With the ultimate phaseout of the use of cyanazine, this chemical will eventually cease to contribute to the total combined triazine risk. However, during the phaseout, while cyanazine continues to be used, the Agency will continue to evaluate its contribution to the total risks of the triazine herbicides in Special Review. Table 4 below shows the Agency's upper bound estimates of total cancer risks across several exposure pathways and triazines.

Table 4.—Upper Bound Total Cancer Risks Across Several Exposure Pathways and Triazines

Exposure Pathway	Atrazine	Simazine	Cyanazine[1]	Total
Dietary	4.4×10^{-5}	1.1×10^{-5}	2.7×10^{-5}	8.2×10^{-5}
Drinking Water[2]	4.2×10^{-6}	6.2×10^{-7}	9.7×10^{-6}	1.5×10^{-5}
Occupational[3,4]	1.1×10^{-3}	N/A	N/A	1.1×10^{-3}
Residential[5]	1.1×10^{-4}	N/A	N/A	1.1×10^{-4}
Total	1.3×10^{-3}	1.2×10^{-5}	3.7×10^{-5}	1.3×10^{-3}

[1]Risk contribution from use on wheat not included.
[2]Derived from surface water.
[3]Private grower application to corn using ground boom equipment - mixer/loader/applicator.
[4]Application of a combination of atrazine and cyanazine.
[5]Lawn treatment by homeowner using hand cyclone spreader.

H. Comments Regarding Combined Risk Estimates and Agency's Response

Comment: Griffin commented that EPA has failed to recognize that a critical factor to be addressed when combining risks is the compounding of maximum values. For example, if 90th percentile values are used to assess risk for each pathway to be combined, the total risk actually represents an estimate closer to a 95-99th percentile range, an overexaggeration that reduces the value of the risk estimate for decision making.

Agency Response: The Agency acknowledges that a simple additive approach was used in combining the risks for atrazine, simazine, and cyanazine. This approach was deemed scientifically sound as the estimates were based on the induction of the same tumor type in the same animal strain, quite possibly via the same or similar mode or mechanism of action. The combined risk estimate contains all of the uncertainties of the numbers used in the individual calculations. If all of the triazine risk numbers were roughly of

the same magnitude, then addition of many upper bound numbers could eventually lead to an over-estimate of risk. However, adding upper bounds in this case should not be considered to over-estimate the risk since one chemical or one pathway ''drives'' the risk. In the case of the triazines, the occupational risk from atrazine of 1.1 x 10^{-3} is driving the overall risk of 1.3 x 10^{-3}.

Comment: EWG and NCAMP support the Agency's combined risk assessment for the triazines. EWG requests that the Agency calculate the effect of exposure to infants and children on their lifetime cancer risks, the average exposure levels for infants and young children, the degree to which it is disproportionately occurring in early life and the significance of this exposure. NCAMP further urges the Agency to extend that risk assessment concept to include all pesticides with similar toxic endpoints.

Agency Response: The Agency agrees that it is important to consider the differences between infants, children, and adults when estimating risks and is working to develop scientifically-sound methodologies to account for such differences in sensitivity and/or exposure and their impact on the lifetime cancer risk estimates. Many factors such as the length of exposure and variations in exposure levels need to be considered in the risk assessment process. The triazines Special Review is the first case study for estimating total risks from chemicals which are similar. The Agency will likely apply the principles that are used in the combined risk assessment in the triazine case study to estimate combined risks from other pesticides that have concurrent exposure and/or common mechanisms of toxicity in future risk assessments.

IV. Summary of Exposure and Related Ecological Risks

At the time the Agency initiated the Special Review of atrazine, simazine, and cyanazine, it did not include ecological risk as a formal trigger to initiate the review. The Agency did, however, express concerns about the potential risks to aquatic organisms, terrestrial plants and their ecosystems. The Agency based its concern on a number of studies that indicate acute effects on various aquatic organisms and terrestrial plants. These studies were discussed in detail in the PD 1 and the Agency requested any additional information about ecological effects at the time the Notice was published. The Agency did not receive any new information or new studies that either supported or rebutted its concern about potential ecological risks from the use of the triazines; therefore the Agency has not changed its position regarding the ecological effects. Even though this Notice is proposing the termination of the cyanazine Special Review, the Agency will continue to look at adverse effects on ecological parameters in the continuing Special Review of atrazine and simazine.

Comments Regarding Ecological Risks and Agency's Response

Comment: NCAMP supported the Agency's concerns about potential ecological risks associated with the triazines and cited a number of published studies about the toxic effects on aquatic and terrestrial organisms.

Agency Response: NCAMP did not provide any information other than citing several studies about the potential ecological risks of the triazines. The Agency conducted a comprehensive literature search and considered all published information in its assessment of triazine ecological risks at the time the triazine PD 1 was issued. The studies that supported the Agency's ecological concerns are discussed in detail in the PD 1. In the PD 1, the Agency stated that exclusion of ecological risks as a Special Review trigger at that time would not preclude the Agency from including those risks in the review at a later time, should additional information warrant it. The Agency will continue to evaluate ecological concerns as the Special Review of atrazine and simazine proceeds. If new information becomes available that changes the Agency's position regarding the ecological risks of atrazine and simazine, the Agency may include them in the Special Review.

V. Summary of Qualitative Benefits and Impacts of Phaseout and Voluntary Cancellation

Cyanazine is a broad spectrum herbicide which is registered for the control of many annual grasses and broadleaf weeds in corn, cotton, and sorghum. About 23 - 36 million pounds active ingredient of cyanazine are applied each year in the U.S. Corn accounts for 95 percent of cyanazine usage with between 18 and 21 percent of the field corn acreage treated each year. Cotton accounts for about 3 percent of all usage with between 12 and 20 percent of the cotton acreage treated annually. Sorghum and sweetcorn account for less than 1 percent of all cyanazine usage with between 1 and 3 percent of the sorghum acreage and about 20 percent of sweet corn acreage treated annually.

Cyanazine provides the grower with flexibility of application (preplant, preemergence, postemergence) and residual activity in addition to burndown in no-till crop management. A second advantage, compared to the widely used atrazine-based products, is that cyanazine is less persistent following application, which results in shorter residual activity. Thus, a significant advantage of cyanazine alone or in mixtures with atrazine, compared to atrazine alone or atrazine in combination with other herbicides, is the ability to plant any triazine-sensitive rotational crop in the fall or the spring following the application without the concern of carryover. This flexibility is extremely important in regions where growing seasons are shorter, which may result in herbicide applications being made later in the spring. A third advantage is that cyanazine offers the grower a wide weed control spectrum, especially against several problem grass species. Therefore, in some cases a second grass herbicide may be unnecessary, or can be used at a reduced application rate.

The Agency has evaluated how the phaseout of cyanazine will impact users as compared to an immediate cancellation. Data and information from publications of the USDA National Agricultural Statistical Service (NASS), USDA/University State Extension Pesticide Use Recommendation Reports, other proprietary marketing research sources, and comments received in response to the triazine PD 1 were used as the basis for this analysis. Although USDA National Agricultural Pesticide Impact Assessment Program (NAPIAP) reports on field corn (1995), cotton (1993), and sorghum (1994) exist, they have limited usefulness to EPA in terms of quantitative estimates of impacts.

The NAPIAP reports generally contain estimates of yield losses and direct costs resulting from the use of some alternative chemicals. The NAPIAP report on corn also includes estimates of crop damage. The yield loss estimates were based on a survey of regional weed scientists. For the corn assessment, scientists from 15 states were interviewed as a group to encourage dialogue. Survey responses were then used as a basis for quantitative estimates of the economic impact of a cancellation of cyanazine and substitution of alternative control methods. The report does not specify the basis for the opinions of the weed scientists. Thus, it is not clear to what extent the opinions of the weed scientists are based on comparative product performance tests or other comparable scientific data. The Agency has concluded that a reliable projection of the comparative performance of pesticide products must

be based on scientifically derived data. Projections based solely on opinions, even the opinions of experts, do not provide a sufficiently reliable basis for the quantitative estimation of economic impacts. Accordingly, the Agency has not relied on the NAPIAP reports to estimate potential economic impacts of the cancellation or phaseout of cyanazine registrations.

The NAPIAP reports are limited in several other respects. The commodity assessments do not focus on cyanazine, nor do they address specific aspects that could affect the impacts associated with its anticipated phaseout. Additional factors that were not considered in the NAPIAP reports include tillage practices, potential for crop injury, farm size, and regional preferences that could also influence the overall economic impacts to users. Perhaps most significantly, the corn and cotton assessments were completed before several newly registered herbicides entered the market, so they were not considered.

The Agency has not adopted the NAPIAP reports' quantitative estimates of the economic impacts of a cancellation or phaseout, but has used the reports for other purposes in the Agency's analysis. For example, the NAPIAP reports do provide useful information about the manner and extent of cyanazine use. The NAPIAP quantitative estimates have been used only for the limited purpose of illustrating the relative economic differences between the two regulatory options: a complete cancellation or a phase-down of use followed by a complete cancellation. In such an analysis, the accuracy and reliability of the NAPIAP quantitative estimates are not crucial because the Agency is using them for the limited purpose of illustrating the relative relationship between the two regulatory options.

Because the terms and conditions of the cyanazine phaseout call for incremental annual reductions in cyanazine usage beginning in 1997, reaching a maximum of 1 lb/ai/a in 1999, and requirements for closed cab application equipment beginning in 1998 and remaining throughout the phaseout period, the full impacts of the cyanazine phaseout will not be realized until after 2002, when all use of the chemical is prohibited. However, the Agency does believe that some impacts will occur during the phaseout period as a result of a decrease in the maximum rates allowed per acre and the closed cab requirements.

Most cyanazine users are not expected to be adversely affected by the phaseout until the maximum use rate drops below the rate at which they are currently applying the chemical. For example, the majority of cyanazine usage on corn is applied at rates between 1 and 3 lb/ai/acre. Therefore, the use on corn will not be significantly affected until 1999 when the maximum rate is reduced to 1 lb/ai/acre. Similarly, for cotton, the majority of usage occurs at rates of less than 1 lb/ai/a; therefore, most uses in cotton will remain unaffected, assuming adequate supplies, through 2002, at which time cyanazine will no longer be available for use. Table 5 below presents the frequency distribution of cyanazine acre treatments by application rate for each of the use sites.

Table 5.—Distribution of Cyanazine Usage (Acre Treatments) by Application Rate (1993 - 1994)

Application Rate (lb/ai/acre)	Field Corn	Cotton	Sweet Corn
0 to 1	18%	91%	16%
>1 to 3	72%	8%	81%
>3 to 5	9.8	1%	3%
>5 to 6.5	0.2%	--	--
Total	100%	100%	100%

Source: U.S. EPA; Based on proprietary and publicly available data.

The Agency acknowledges that some benefits are associated with the use of cyanazine throughout the phaseout period; however, quantitative estimates of the impact of the phaseout have not been determined. As discussed earlier, the Agency has used the quantitative estimates of an immediate cancellation as reported by NAPIAP for the limited purpose of illustrating the relative differences between a phaseout of cyanazine followed by a complete cancellation and an immediate cancellation. The Agency has not relied on the NAPIAP reports to estimate the potential economic impact of the phaseout and cancellation of cyanazine other than to merely illustrate that a phaseout incurs less of an impact to growers than would an immediate cancellation. The NAPIAP reports estimate that the aggregrate economic impacts of an immediate ban of cyanazine would be $25 million for corn and $14 million for cotton. In Table 6, the NAPIAP estimates have been used to illustrate the ameliorating effect that the phaseout of cyanazine may have on individual uses (Ref. 12).

Table 6—Allocation of the Impacts of the Phaseout and Voluntary Cancellation of Cyanazine

Year	App Rate (lb/ai/acre)	Field Corn ($mil)	Cotton ($mil)	Sweet Corn ($mil)	Total Impacts ($mil)
1996	6.5	$0.00	$0.00	$0.00	$0.00
1997	5	$0.05	$0.00	$0.00	$0.05
1998	3	$6.8	$8.6	$0.1	$15.5
1999	1	$21.4	$9.0	$0.7	$31.1
2000	1	$21.4	$9.0	$0.7	$31.1
2001	1	$21.4	$9.0	$0.7	$31.1
2002	1	$21.4	$9.0	$0.7	$31.1
2003	0	$25	$14	$0.8	$39.8

While the Agency has used the NAPIAP quantitative estimates of impacts in Table 6 above, the Agency neither accepts nor rejects them. The quantitative estimates are used only to illustrate the relative difference between immediate cancellation and a phaseout.

1. *Field corn*. Between 18 and 21 percent of the 73 million acres planted to field corn receives one or more applications of cyanazine per growing season at an average rate of 1.9 lb/ai/acre. Approximately 22 - 33 million pounds of cyanazine are applied annually. Treatments are predominantly preemergence and preplant incorporated; however, cyanazine combined with atrazine is commonly used in no-till corn as an early post-emergence or burndown agent. Cyanazine is applied alone or in combination with another herbicide approximately 35 and 65 percent of the time, respectively. About 90 percent of cyanazine products are applied broadcast using ground equipment and most of the remaining 10 percent applied as a band treatment. Cyanazine used alone is applied at an average rate of 2.25 lb/ai/acre. When used in combination with another herbicide, cyanazine is applied at an average rate of 1.67 lb/ai/acre.

The majority of users who apply cyanazine to field corn will not be affected until 1999 when the maximum use rate is lowered to 1 lb/ai/a. However, about 10 percent of cyanazine usage does occur at rates of 3 lb/ai/acre or higher on heavier clay soils that generally contain greater than 3 percent organic matter or on soils with greater than 30 percent surface residue. In 1999, when the maximum rate is reduced to 1 lb/ai/a, approximately 82 percent of cyanazine usage will be affected. Compared to an immediate cancellation, the phaseout reduces annual impacts because cyanazine will continue to be available to some growers through 2002. Table 6 above illustrates the ameliorating effect that the phaseout of cyanazine followed by a voluntary cancellation has on corn growers relative to an immediate ban. Efficacious alternatives to cyanazine include atrazine, nicosulfuron, metolachlor, alachlor, dicamba, acetochlor, halosulfuron and prosulfuron.

2. *Cotton*. Cotton is the second largest crop on which cyanazine is used and it accounts for 3 percent of the total cyanazine used in the United States or about 1 - 2 million pounds of active ingredient. About 62 percent of cyanazine usage in cotton are postemergence directed applications, 25 percent are preemergence applications and 11 percent are layby applications. About 12 - 20 percent of the U.S. cotton acreage received a cyanazine application at an average rate of 0.8 lb/ai/a. Preplant applications were typically made at the rate of 1.5 - 2.0 lb/ai/acre while postemergence applications were made at the rate of 0.5 - 1 lb/ai/a. Alternatives that are available for use on cotton include diuron, fluometuron, oxyfluorfen, prometryn, and the recently registered herbicide pyrithiobac-sodium. Since the majority of cyanazine usage in cotton occurs at rates less than 1 lb/ai/a, the phaseout should not adversely impact cotton growers until cyanazine use is prohibited after 2002. Table 6 above illustrates the ameliorating effect that the phaseout of cyanazine followed by a voluntary cancellation has on cotton growers relative to an immediate ban.

3. *Sweet Corn*. Approximately 200,000 to 300,000 pounds active ingredient of cyanazine is applied to sweet corn per year at an average rate of 1.5 lb/ai/acre. About 6 percent of the 164,000 acres of fresh market sweet corn and about 24 percent of the 503,000 acres of processed sweet corn receive cyanazine applications, with Wisconsin, Illinois, New York, Michigan, New Jersey, and Minnesota having significant cyanazine use on this commodity. The heavy usage in Wisconsin is probably due to the restrictions placed on atrazine in that state. There are fewer alternative herbicides registered for use on sweet corn than for field corn, with atrazine being the primary preemergence alternative. Dicamba and 2,4-D are postemergence alternatives for broadleaf weed control and alachlor and metolachlor are alternatives for grass control.

As stated earlier, no published information was available that estimated the impacts of the unavailability of cyanazine for sweet corn production. The Agency calculated estimates for sweet corn based on information that was available for field corn. The economic impact on field corn is adjusted to account for differences between the total acres planted and the per acre value of sweet corn and field corn. The following formula is used to estimate this impact:

Sweet Corn Impact = Field Corn Impact ($25 million) x total acres sweet corn (800,000)/total acres field corn (70,000,000) x per acre value sweet corn ($850)/per acre value field corn ($303).

The per acre value of sweet corn is a weighted average of sweet corn grown for the fresh market (224,900 acres, $373.7 million) and the processed market (516,200 acres, $256.1 million). The per acre value of field corn was calculated on the basis of 72.9 million acres with a total crop value of $22.16 billion. Using the above formula, the annual economic impact of banning cyanazine use on sweet corn is estimated to be $0.8 million. Annual impacts that result from the phaseout of cyanazine will not significantly impact sweet corn growers until 1999 when the maximum allowable application rate is reduced to 1 lb/ai/a.

Wisconsin sweet corn growers may be severely impacted by the phaseout of cyanazine since it is believed that a large percentage of cyanazine usage in that state is a result of the state restrictions that have been placed on atrazine. In some counties, rate restrictions have reduced the performance of atrazine as a preemergence treatment. Therefore, sweet corn growers may have to resort to using postemergence herbicides to control broadleaf weeds unless new preemergence herbicides are registered. The Agency anticipates that the impact to sweet corn growers will be similar to that anticipated for field corn growers. Table 6 above illustrates the ameliorating effect that the phaseout of cyanazine followed by a voluntary cancellation has on sweet corn growers relative to an immediate ban.

Comments Regarding Benefits of Cyanazine and the Agency's Response

A number of commenters, including academia and weed extension scientists, grower groups, and chemical producers, submitted comments about the general benefits of cyanazine use in agricultural practices. These general arguments support cyanazine's continued use because of its shorter residual life and therefore less crop rotation restrictions, better control of certain grass weeds other than triazines, effectiveness against germinating and emerged weeds with good burndown action in no-till practices, role in weed resistance management, no drift damage to sensitive crops nearby, and its generally greater flexibility in weed control programs. The Agency acknowledges that there are certain benefits associated with the use of cyanazine and, as required, has considered all of cyanazine's advantages in its assessments.

Comment: NCAMP and EWG criticized the methodology of the Agency's analyses of pesticide benefits. NCAMP commented that a comprehensive benefits assessment will demonstrate the appropriateness of cancelling all registrations of the triazines. NCAMP further stated that the Agency's method of assessing benefits is inappropriate because the assessment looks only at

alternative chemical means of controlling weed pests. The EWG commented that the Agency must consider the total social costs of using pesticides in its benefits assessment and that it is not proper to allow a chemical risk to support the production of commodities that are subsidized and where supply exceeds demand.
Agency Response: Because these comments were not specific to cyanazine, the Agency intends to respond to them later in the Special Review when comments on all triazines are addressed, unless it receives additional comments demonstrating that these criticisms apply specifically to cyanazine.
Comment: Griffin provided an assessment of the general benefits of cyanazine that addressed the following aspects of cyanazine: (1) Importance in controlling a wide spectrum of weeds, (2) providing greater crop rotation flexibility, (3) usefulness in no-till practices, (4) weed resistance management, and (5) lower cost than alternative chemicals.
Agency Response: The Agency agrees with Griffin that cyanazine offers those benefits as Griffin pointed out; however, the Agency also believes that alternative herbicides are available that provide comparable weed control at similar costs. Earlier in this Notice, the Agency acknowledged many of the same advantages of using cyanazine as Griffin noted.

VI. Risk/Benefit Analysis and the Agency's Proposed Decision Regarding Special Review

A. Risks

The terms and conditions of the phaseout and cancellation are expected to reduce risk from use of cyanazine as estimated in the cyanazine PD 1 to zero over the course of the phaseout and depletion of existing stocks. While both users and the public will be subject to some continued risk during this time, the risk to users will decline during the phaseout and depletion of existing stocks due to the imposition of use restrictions and the risk to the public will decline due to the reduction in use rates.

B. Benefits

In Unit V. of this Notice, a discussion of the impacts of phasing out cyanazine compared to an immediate cancellation is presented. The cyanazine phaseout allows for a gradual reduction in use of the chemical over a period of 7 years.

There are a number of elements inherent in the phaseout of cyanazine that will, in effect, lessen the economic impact to growers who have used cyanazine in their weed management practices in the past. First, the phaseout should allow growers sufficient time to find suitable alternatives to replace cyanazine, thereby causing little disruption to agricultural production. For example, the majority of cyanazine used is applied to field corn. With the phaseout, there will be little impact to corn growers until 1999 when the maximum allowable use rate drops to 1 lb/ai/a. With all uses, the full impact of the phaseout will not be realized until after 2002 when cyanazine use will be prohibited.

C. Risks of Alternatives

The Agency has identified the major chemical alternatives to cyanazine in this Notice. Atrazine, one alternative to cyanazine, was placed into Special Review concurrently with cyanazine based on the potential risk of carcinogenicity to humans. No significant risk concerns have been identified with the other alternatives except for 2,4-D, which is currently being considered for possible Special Review pending results of further studies on its carcinogenic potential.

D. Risk/Benefit Analysis

In light of the terms and conditions of the DuPont and Griffin cyanazine registrations, the Agency has considered the risks and benefits of cyanazine for the remaining 7 years that the pesticide will be allowed for use. During the phaseout, people will be exposed to cyanazine for a limited time period during which application rates will be reduced and closed cab application equipment will be required. As discussed earlier, the Agency believes that the potential risks that may result, while considering the factors of time and exposure imposed by the cyanazine phaseout, will be less than those risks articulated in the PD 1. Further, the Agency has evaluated the impacts of the cyanazine phaseout and has concluded that there are benefits associated with the phaseout of cyanazine.

The phaseout also confers benefits by making it unnecessary to recall and dispose of unused product and by allowing users to reduce costs through various mechanisms such as allowing them time to gradually modify weed management strategies to replace cyanazine. The Agency also considered the costs, time, and uncertainties associated with involuntary imposition of regulatory measures. In the absence of the voluntary cancellation and phaseout, the Agency may have used its authority under FIFRA section 6 to cancel cyanazine registrations. The Agency believes that this action would have been contested and would have required enormous resources and several years of litigation before a final order could have been implemented. The resources saved by voluntary cancellation and phaseout may now be applied to risk reduction of other products. Also, a contested cancellation would not have brought about the phased-in measures to reduce risk as currently provided for by the terms and conditions of the voluntary cancellation and phaseout. Finally, the outcome of litigation is uncertain in both result and when those results may be achieved; the voluntary cancellation and phaseout has set a firm schedule for the implementation of risk reduction measures and has established a date certain for the final cancellation of cyanazine registrations.

For all of the foregoing reasons, the Agency has determined that implementation of the voluntary cancellation and phaseout of cyanazine will eliminate the potential risks posed by cyanazine identified in the triazine PD 1.

E. Proposed Decision Regarding Special Review

In view of its determination discussed above, that the terms and conditions of the cyanazine voluntary cancellation and phaseout will eliminate any unreasonable adverse effects posed by the registration of cyanazine, the Special Review need not be continued.

VII. Request for Voluntary Cancellation

As part of the terms and conditions of all registered cyanazine products, including those of both DuPont and Griffin, voluntary cancellations of all cyanazine registrations will become effective December 31, 1999. Shortly thereafter, the Agency will issue a cancellation order for all cyanazine products. Also, as part of the terms and conditions, EPA is required to provide advance public notification of the voluntary cancellation of cyanazine products as part of the proposal to terminate the Special Review of cyanazine. This section, Unit VII., will serve as the Agency's notification of the requests for voluntary cancellation.

The cyanazine products that, according to the amended terms and conditions of cyanazine registration, will be voluntarily canceled, effective December 31, 1999, are listed below by EPA registration number and product name.

Registration No.	Product Name
352-475	DuPont Cyanazine Technical
352-470	DuPont Bladex (R)4L Herbicide
352-495	DuPont Bladex (R)90 DF Herbicide
352-500	DuPont Extrazine (R)II 4L Herbicide
352-577	DuPont Extrazine (R)II DF Herbicide
1812-364	Griffin Cyanazine Technical
1812-365	Griffin Cynex DF
1812-366	Griffin Cynex 4L Herbicide Liquid
1812-367	Griffin Cynex Extra 4L
1812-368	Griffin Cynex Extra DF

Comments on the requests for voluntary cancellation of these registrations may be submitted to the contact person listed under the FOR FURTHER INFORMATION CONTACT unit of this document during the 30-day comment period provided in this Notice.

Also included in the terms and conditions of cyanazine registrations is a provision for allowing the continued distribution and use of cyanazine end use products beyond the effective voluntary cancellation date. The terms and conditions specifically state that all cyanazine formulated end use products released for shipment by a registrant on or before December 31, 1999, may continue to be distributed and sold in the channels of trade in accordance with labels through September 30, 2002. The terms and conditions further state that use of such existing products in accordance with their labels may continue through December 31, 2002. All labels of cyanazine formulated end use products released for shipment by a registrant after July 25, 1996, will state that the product may not be sold or distributed after September 30, 2002, and that the products may not be used after December 31, 2002. The existing stocks provision will allow any remaining product in the channels of trade to be used, thereby precluding the need for recall and disposal of unused product.

VIII. Public Comment Opportunity

During the 30-day comment period, specific comments are requested on the Agency's preliminary determination to terminate the Special Review of cyanazine and on the requests for voluntary cancellation of cyanazine products. The Agency will review and consider any comments received during the official comment period before issuing a final determination on conclusion of the Special Review of cyanazine. All written comments submitted pursuant to this Notice, except ''CBI,'' will be available for public inspection in Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA Telephone: 703-308-5805.

Comments claimed as CBI must be clearly marked as ''confidential,'' ''trade secret,'' or other appropriate designation on the face of the comments. Comments marked as such will be treated in accordance with the procedures in 40 CFR 2.204(e)(4). Comments not claimed as confidential at the time of submission, or not clearly labeled as containing CBI, will be placed in the public docket. The Agency will consider the failure to clearly identify the claimed confidential status on the face of the comment as a waiver of such claim, and will make such information available to the public without further notice to the submitter.

All comments and information should be submitted in triplicate to the address given in this Notice under ADDRESSES to facilitate the work of EPA and others interested in inspecting them. The comments and information should bear the docket control number, ''OPP–30000/60A.''

IX. Public Docket

A record has been established for the action under docket number ''OPP–30000/60A'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

X. Terms and Conditions Amending Cyanazine Registrations

On August 2, 1995, EPA accepted DuPont's proposed amendments to its cyanazine registrations that effectively phases out the production of cyanazine for use in the United States by the end of 1999. The amendments also included an incremental reduction of the maximum label rates over the course of the phaseout and a requirement for closed cab application equipment in 1998. The terms and conditions of the amendments apply to all current DuPont cyanazine registrations as well as any new registration that the Agency may approve since the acceptance of DuPont's proposal, including Griffin's recent conditional registrations that were approved by the Agency. As part of the requirements for approval of any future cyanazine registrations, any registrant must agree to comply with all of the same terms and conditions to effectively phaseout cyanazine production for use in the United States by end of 1999. The amended terms and conditions that are required of all cyanazine registrants appear below.

Terms and Conditions to Amend Cyanazine Registrations

1. On November 23, 1994, the U.S. Environmental Protection Agency (''EPA'') initiated a Special Review under the Federal Insecticide, Fungicide, and Rodenticide Act (''FIFRA''), for pesticide products that contain a triazine herbicide as an active ingredient, Federal Register Notice, Vol. 59, No. 225 (''the Special Review''). Cyanazine is one of the triazine products subject to the Special Review, and E. I. du Pont de Nemours and Company (''DuPont'') is the primary registrant of cyanazine in the United States.

2. EPA's initiation of the Special Review for triazine containing products was based on the Agency's preliminary determination that triazine products trigger risk criteria that indicate these products may present unreasonable risks as described in the Notice of Special Review. This preliminary determination by EPA with respect to cyanazine, however, is not a finding, conclusion or other determination, that cyanazine does in fact present a risk to humans or the environment.

3. The purpose of this letter is to propose a comprehensive listing of the terms and conditions of amendments to DuPont's cyanazine product registrations. The specific mitigation steps proposed in these amendments are designed to reduce the potential for the risk criteria being triggered in the future and to satisfactorily address EPA's concerns over potential risks as described in the Notice of Special Review. DuPont's understanding in agreeing to the

proposed mitigation steps is that if they are required of all current and potential future cyanazine-containing products and registrations, including but not limited to DuPont's cyanazine products and registrations, they will adequately address EPA's concerns that cyanazine products may present risks as described by EPA in the Notice of Special Review. It is DuPont's further understanding that based on this determination, EPA will proceed to conclude the Special Review as to cyanazine as soon as practicable.

4. DuPont's agreement to the proposed amendments set forth herein is not, and shall not be considered as, an admission by DuPont that cyanazine used in accordance with DuPont's registrations and labels triggers risk criteria as described in the Notice of Special Review, or otherwise poses risks to humans or the environment.

5. Cyanazine Risk Mitigation Measures shall be comprised of the following steps: (a) The labels of all cyanazine formulated end use products released for shipment by a registrant[1] after July 25, 1996, for use in the U.S., shall specify seasonal use rates that limit the maximum amount of cyanazine active ingredient that may be applied on a per acre basis as follows:

FOR USE: MAXIMUM SEASONAL USE RATE CAP (AI/ACRE):
Beginning Jan. 1, 1997 5 lbs per acre
Beginning Jan. 1, 1998 3 lbs per acre
Beginning Jan. 1, 1999 1 lb per acre

(b) Subject to all the terms and conditions of these amendments, this letter shall serve as DuPont's request, pursuant to FIFRA, that EPA accept the voluntary cancellation of all of DuPont's existing registrations for formulated end use products containing cyanazine to become effective December 31, 1999. The cancellation date of December 31, 1999, shall become a part of the terms and conditions of DuPont's registrations for formulated end use products that contain cyanazine.

(c) The labels of all cyanazine products released for shipment by a registrant after July 25, 1996, for use in the U.S., shall specify that closed cab application will be required for applications to be made during or after the 1998 use season.

(d) No cyanazine formulated end use products registered for use in the U.S. shall be released for shipment by a registrant after December 31, 1999.

(e) EPA shall authorize existing stocks of all cyanazine formulated end use products that have been released for shipment by a registrant of such products on or before December 31, 1999, to continue to be distributed and sold in the channels of trade in accordance with their labels through September 30, 2002. EPA shall authorize the continued use of such existing stocks in accordance with their labels through December 31, 2002. Labels of all cyanazine formulated end use products released for shipment by a registrant after July 25, 1996, shall bear the following statements: ''This product may not be sold or distributed after September 30, 2002'' ''This product may not be used after December 31, 2002.''

(f) The public will have advance notification of the voluntary cancellation of DuPont's cyanazine formulated end use registrations and the existing stocks provisions provided for herein as part of the conclusion of the Special Review, and DuPont shall have no obligation to recover or recall any cyanazine products, or to reimburse, or otherwise compensate or provide additional notice to any purchaser or other party in connection with or as a result of the voluntary cancellation provided for herein.

(g) cyanazine technical products released for shipment by a registrant after July 25, 1996, shall bear labels stating that any formulated end use products that are made from the technical products and that are registered for use in the U.S., shall be subject to the terms and conditions of cyanazine registrations set forth in paragraph 5 of this letter.

6.(a) It is DuPont's understanding that upon its submission to EPA of a signed copy of this letter proposing amendments to its registrations, EPA will commence such steps as are necessary to approve finally the amendments and to conclude the Special Review of cyanazine, without requiring further mitigation steps by DuPont, and that EPA will complete such final Agency action, including any public comment or required notice to other federal agencies, as soon as practicable. In the event EPA is unable to so approve the amendments or to finally conclude the Special Review, for whatever reason, or if after August 2, 1995, and prior to the date EPA finally approves these amendments and finally concludes the Special Review, another party obtains a cyanazine registration that does not contain the terms and conditions set forth in these amendments, for whatever reason, these amendments may, at DuPont's election, be withdrawn and be without effect, and the current terms and conditions of DuPont's cyanazine registrations shall remain in effect. In such event, DuPont will retain all of its rights to participate fully in the Special Review, or any Agency or judicial review of the same, or to contest any regulatory action that may be initiated against its products and registrations, pursuant to FIFRA or other applicable laws and regulations, as it deems appropriate.

(b) In the event another party obtains a registration of a cyanazine product that does not require the terms and conditions of registration as specified in this letter, including cancellation as of December 31, 1999, or said terms and conditions are proposed or imposed upon another party's registrations, but are stayed or enjoined in whole or in part by the Agency or any court, EPA agrees to permit DuPont to continue its registrations in effect beyond December 31, 1999, and/or amend its cyanazine registrations, on a specific use and/or site specific or use rate basis, in order to delete any term or condition of registration set forth in this letter that is not required of the other party or as a term or condition of that party's registration, and to make such other amendments to its cyanazine registrations, including but not limited to adding new uses or application methods, as are necessary so that DuPont's cyanazine registrations may contain the same terms and conditions as are contained in the other party's registrations. Any such amendments are to be accomplished in accordance with the requirements of FIFRA.

7. On April 16, 1992, EPA issued a Data Call In for cyanazine (the ''DCI''). DuPont has completed and submitted all of the studies requested in the DCI. EPA agrees that DuPont has submitted all of the studies requested by the DCI, and that EPA will not request further data from DuPont in connection with said DCI. Nothing contained in these amendments shall be interpreted as restricting EPA's authority to issue a future Data Call In, or otherwise to regulate cyanazine registrations pursuant to FIFRA, should the Agency determine that there is significant new evidence about potential unreasonable risks to the environment presented by use of products containing cyanazine. DuPont shall retain all of its rights under FIFRA and other applicable laws and regulations to challenge any such action by EPA.

8. Upon EPA's final acceptance of these amendments, and the Agency's final action concluding the Special Review in accordance with the amendments and understandings set forth herein, DuPont agrees to waive its rights to challenge EPA's final action on the Special Review, or the terms and conditions of label amendments that are required by these amendments, in any court or administrative forum, and agrees not to assist or encourage any other party to challenge EPA's final actions. Except as expressly set forth in these amendments, DuPont shall retain all of its rights under FIFRA, and other applicable laws and regulations, to challenge any action, proceeding or determination by EPA, or to challenge or intervene in any action by or involving a third party, with respect to the registration of DuPont's or any other party's cyanazine products.

XI. References

1. U.S. Environmental Protection Agency. Notice of Receipt of Requests to Voluntarily Cancel Certain Registrations. Federal Register Notice (60 FR 56333). November 8, 1995.

2. U.S. Environmental Protection Agency. Atrazine, Simazine, and Cyanazine; Notice of Initiation of Special Review. Federal Register Notice (59 FR 60412). November 23, 1994.

[1]For the purpose of determining compliance with the proposed terms and conditions of amended registrations as set forth in paragraph 5., whenever the term ''released for shipment by a registrant appears in these amendments, it shall mean the shipment of cyanazine formulated end use products, shipped by or at the direction of a registrant from the facility at which they are finally formulated for distribution, sale and use in the U.S. as evidenced by a bill of lading or other verifiable shipping documents. The term shall not apply to a) shipments of cyanazine formulated end use products by agents, distributors, or dealers who receive and further distribute cyanazine products to customers, or b) to cyanazine technical products shipped within the U.S. for formulation into end use products, or c) to shipments of cyanazine technical or formulated end use products for export. Any formulated end use product containing cyanazine technical products and registered for use in the U.S. shall be subject to the terms and conditions of paragraph 5 of this letter.

3. U.S. Environmental Protection Agency. Letter from Lynn R. Goldman to Jane D. Brooks, Dupont Agricultural Products. August 2, 1995.

4. U.S. Environmental Protection Agency. Notice of Pesticide Registration. November 6, 1995.

5. U.S. Environmental Protection Agency. Notice of Pesticide Registration. September 18, 1995.

6. U.S. Environmental Protection Agency. Notice of Pesticide Registration. February 8, 1996.

7. U.S. Environmental Protection Agency. Notice of Pesticide Registration. February 9, 1996.

8. U.S. Environmental Protection Agency. Notice of Pesticide Registration. February 12, 1996.

9. U.S. Environmental Protection Agency. Memorandum from Denise Keehner, Office of Pesticide Programs, Environmental Fate and Effects Division. Transmittal of EFED Review of Comments Including DuPont's on the PD 1 Related to Ground Water and Surface Water for Cyanazine. November 3, 1995.

10. DuPont Agricultural Products. Letter from Tony E. Catka. ''Cyanazine Mixer/Loader/Applicator Occupational Cancer Risk Estimates.'' October 19, 1994.

11. U.S. Environmental Protection Agency. Memorandum from Olga Odiott, Office of Pesticide Programs, Health Effects Division. ''DuPont's Cyanazine Occupational Exposure Estimates.'' October 26, 1995.

12. U.S. Environmental Protection Agency. Biological and Economic Assessment of the Cyanazine Phaseout. February 9, 1996.

Dated: February 26, 1996.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pollution and Toxic Substances.

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Jetstream; comments due by 3-7-96; published 1-25-96
Robinson Helicopter Co.; comments due by 3-4-96; published 2-2-96
SAAB; comments due by 3-7-96; published 1-25-96
Short Brothers; comments due by 3-7-96; published 1-25-96
Class E airspace; comments due by 3-5-96; published 1-23-96

TREASURY DEPARTMENT

Fiscal Service

Marketable book-entry Treasury bills, notes and bonds; sale and issue; comments due by 3-5-96; published 1-5-96

TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1996

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 1	March 18	April 1	April 15	April 30	May 30
March 4	March 19	April 3	April 18	May 3	June 3
March 5	March 20	April 4	April 19	May 6	June 3
March 6	March 21	April 5	April 22	May 6	June 4
March 7	March 22	April 8	April 22	May 6	June 5
March 8	March 25	April 8	April 22	May 7	June 6
March 11	March 26	April 10	April 25	May 10	June 10
March 12	March 27	April 11	April 26	May 13	June 10
March 13	March 28	April 12	April 29	May 13	June 11
March 14	March 29	April 15	April 29	May 13	June 12
March 15	April 1	April 15	April 29	May 14	June 13
March 18	April 2	April 17	May 2	May 17	June 17
March 19	April 3	April 18	May 3	May 20	June 17
March 20	April 4	April 19	May 6	May 20	June 18
March 21	April 5	April 22	May 6	May 20	June 19
March 22	April 8	April 22	May 6	May 21	June 20
March 25	April 9	April 24	May 9	May 24	June 24
March 26	April 10	April 25	May 10	May 28	June 24
March 27	April 11	April 26	May 13	May 28	June 25
March 28	April 12	April 29	May 13	May 28	June 26
March 29	April 15	April 29	May 13	May 28	June 27