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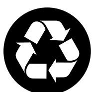

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

RIN 3206–AH36

Federal Employees Health Benefits Program: Filing Claims; Disputed Claims Procedures and Court Actions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations revising the requirement that legal actions to recover on a claim under the Federal Employees Health Benefits (FEHB) Program should be brought against the health benefits carrier rather than OPM and clarifying the procedures for filing claims for payment or service under the FEHB Program. The purpose of these final regulations is to prescribe that if a covered individual chooses to bring legal action pertaining to a denial of an FEHB benefit, such legal action should be brought against OPM, and to clarify the administrative review process that must precede legal action in the courts.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret Sears, (202) 606–0004.

SUPPLEMENTARY INFORMATION: On March 29, 1995, OPM published interim regulations in the Federal Register (60 FR 16037) that require individuals who want to bring suit concerning the denial of their health benefits claims to bring such suits against OPM instead of the health benefits carrier, as had been the case previously. The interim regulations also clarified the administrative review procedures that must precede legal action in the courts, the circumstances under which suits may be brought against OPM, and that the court's review is limited to the record that was before OPM when it made its decision.

OPM received 11 comments on the interim regulations. Three commenters suggested that we amend the regulations to clarify that the regulations apply to providers to whom the covered individual has assigned the right to pursue the claim. We have not accepted this suggestion because the right of access to the disputed claims process belongs to the covered individual. We have amended the interim regulations to clarify that another person or entity, whether or not a provider, can gain access to the disputed claims process only when acting on behalf of the covered individual and with the covered individual's specific written consent.

Two commenters thought that the one-year period for initiating the disputed claims process was too long. They suggested a 90-day period instead. The one-year period has been OPM's policy since the disputed claims process was created in 1975. However, we believe that the period can now be reduced to 6 months if there are sufficient safeguards to protect the interests of individuals who, because of medical problems or for other reasons are unable to request reconsideration within the 6 months time limit. Therefore, we are modifying the regulations to require that covered individuals who want to ask the plan to reconsider its denial must do so within 6 months after the denial unless the covered individual shows that he or she was prevented by a cause beyond his or her control from making the request within that time period. In addition, we are adding a provision to allow OPM to reopen a decision it made concerning a disputed claim if it receives evidence that was unavailable at the time OPM made its decision.

Two commenters said that the amount of time carriers have to respond to requests for reconsideration—30 days—is too short, especially when the issue is medical necessity. They suggested that the carriers be allowed 45 days, with the option to extend the period for an additional 30 days, if necessary. They further suggested that the carriers be given 45 days rather than 30 to review additional information received from the covered individual or provider. In both cases, the 30-day period has been in place for a number of years and has been working well enough that we believe that extending the time period to 45 days would unnecessarily lengthen the time required to complete the disputed claims process. Therefore, we have not accepted these suggestions.

Two commenters said that the time period for seeking judicial review should be tied to the date the covered individual receives OPM's decision rather than the date the care or service was provided. One commenter supported the provision basing the time limit on the date the care or service was provided and asked us not to change it. The interim regulations provide that legal action on a disputed claim may not be brought later than December 31 of the 3rd year after the year in which the care or service was provided. After considering these three comments we have decided not to modify our regulations at this time. This timeframe reflects our brochure language over the past several years. It is our experience that this timeframe works well; however, we will continue to monitor all timeframes in these regulations and make changes as warranted.

Four commenters suggested that the regulations should explicitly state that court actions are not to be brought against a carrier or a carrier's subcontractors. One commenter suggested that we amend the regulations to state that the carrier is an indispensable party to the lawsuit. After considering these five comments, we have modified the regulations to specify that court action is not to be brought against the carrier or the carrier's subcontractors. Since it is OPM's decision, not the carrier's, that is being contested, it is appropriate that OPM, rather than the carriers, be the focus of lawsuits related to denial of benefits.

Two commenters said that the interim regulations should be set aside because they adversely affect the covered individual's right: (1) Of access to State courts, (2) to seek monetary compensation for damages, (3) under State law to require insurer to prove that notice was given concerning changes in benefits and that contract language is clear, (4) to have the option to go to court without seeking OPM review, (5) to present evidence that OPM did not have when it made its determination, and (6) to seek an expedited ruling by the court when life or health is at issue. OPM's regulations have never offered

such ''rights.'' The interim regulations simply clarified that these opportunities are not available to covered individuals under the FEHB program. The FEHB law includes a provision specifically stating that FEHB contract provisions that relate to the extent of coverage or benefits supersede and preempt any State law that relates to health insurance or plans to the extent that such law is inconsistent with FEHB contractual provisions. Therefore, we believe the interim regulations accurately reflect the intent of the FEHB law. Further, it has been OPM's policy, and will continue to be OPM's policy, to expedite the dispute resolution process when there are issues of life and health at stake. Premature involvement of the courts at such time is unnecessary. The only real change made by the interim regulations was which party to the FEHB contracts should be named in a suit.

Two commenters said that the interim regulations should be set aside because they violated the Administrative Procedure Act in that they became effective before completing a comment period. The interim regulations were promulgated to provide immediate guidance and information to alleviate any burden on the FEHB enrollees in cases of possible litigation. It was OPM's view that immediate implementation of regulations that clarify and more fully explain the proper judicial review of an OPM decision sustaining a health benefit plan's denial of coverage would minimize unnecessary litigation and uncertainty. Thus, the interim regulations were intended to more clearly specify a review procedure that sometimes appeared to be unclear and was not always applied consistently.

One commenter inquired whether the interim regulations removed a restriction so that there was good cause for issuing them in this form. It was OPM's view that the interim regulations remove the restriction requiring that enrollees sue a health benefits carrier when contesting an OPM decision that affirmed the carrier's determination that the benefit is not covered under the carrier's plan. Previously, enrollees could not bring suit against OPM directly even though they ultimately were contesting OPM's decision.

One commenter asserted that the regulations should specify that they have no impact on an individual's rights under the Federal Sector Equal Employment Opportunity rule set forth in 29 CFR Part 1614. That is, individuals who believe they have been discriminated against in regard to insurance benefits because of disability or another protected basis are not required to pursue or exhaust the administrative remedy provided by these regulations before pursuing their rights under 29 CFR Part 1614. Since OPM has no authority concerning the provisions of title 29 of the Code of Federal Regulations, it would not be appropriate to address an individual's rights under title 29 in title 5. Instead, the circumstances under which one may access remedies related to title 29 should be included in title 29.

One commenter felt that the interim regulations do not expressly prescribe time limits when the carrier fails to make its decision within 60 days after requesting, but not receiving, information from the covered individual. We have modified the regulations to clarify that this circumstance is included in the administrative process.

One commenter objected to the requirement that the claimants must express their reasons in terms of the brochure provisions because enrollees sometimes do not have brochures. Since a dispute about a claim must be based on whether or not the claim was payable under the FEHB contract and the brochure sets forth those contract provisions, individuals need a brochure in order to know whether they have a dispute. They also need a brochure to obtain information on the procedures for disputing carriers' denials of claims. Further, brochures are easily obtainable from the plan. We find that this requirement is important in encouraging the individual to express his or her reasons in a manner that will facilitate a successful result when there is a valid dispute.

Two commenters suggested that the regulations be revised to require that OPM's decision contain a notice of the covered individual's right to bring suit. We are not adopting that suggestion because we are adding that information to the brochures. The brochures will give complete information about the disputed claims process from the initial request to the carrier for reconsideration through the requirements for bringing suit when OPM concurs with the carrier's reconsideration decision to deny the claim.

We have also modified the regulations at § 890.107(c) to clarify that recovery in the FEHB Program is accomplished through a directive from OPM to the carrier to make payment according to the court's order.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulations primarily affect individuals enrolled under the Federal Employees Health Benefits Program.

List of Subjects in 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Hostages, Iraq, Kuwait, Lebanon, Reports and recordkeeping requirements, Retirement.

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM is amending 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c–1; subpart L also issued under sec. 599C of Pub. L. 101–513, 104 Stat. 2064, as amended.

2. In § 890.101 paragraph (a) is amended by adding a definition of ''covered individual'' to read as follows:

§ 890.101 Definitions; time computations.

(a) * * *

Covered individual means an enrollee or a covered family member.

* * * * *

3. Section 890.105 is revised to read as follows:

§ 890.105 Filing claims for payment or service.

(a) *General.* (1) Each health benefits carrier resolves claims filed under the plan. All health benefits claims must be submitted initially to the carrier of the covered individual's health benefits plan. If the carrier denies a claim (or a portion of a claim), the covered individual may ask the carrier to reconsider its denial. If the carrier affirms its denial or fails to respond as required by paragraph (c) of this section, the covered individual may ask OPM to review the claim. A covered individual must exhaust both the carrier and OPM review processes specified in this section before seeking judicial review of the denied claim.

(2) This section applies to covered individuals and to other individuals or entities who are acting on the behalf of a covered individual and who have the covered individual's specific written consent to pursue payment of the disputed claim.

(b) *Time limits for reconsidering a claim.* (1) The covered individual has 6 months from the date of the notice to the covered individual that a claim (or

a portion of a claim) was denied by the carrier in which to submit a written request for reconsideration to the carrier. The time limit for requesting reconsideration may be extended when the covered individual shows that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

(2) The carrier has 30 days after the date of receipt of a timely-filed request for reconsideration to:

(i) Affirm the denial in writing to the covered individual;

(ii) Pay the bill or provide the service; or

(iii) Request from the covered individual or provider additional information needed to make a decision on the claim. The carrier must simultaneously notify the covered individual of the information requested if it requests additional information from a provider. The carrier has 30 days after the date the information is received to affirm the denial in writing to the covered individual or pay the bill or provide the service. The carrier must make its decision based on the evidence it has if the covered individual or provider does not respond within 60 days after the date of the carrier's notice requesting additional information. The carrier must then send written notice to the covered individual of its decision on the claim. The covered individual may request OPM review as provided in paragraph (b)(3) of this section if the carrier fails to act within the time limit set forth in this paragraph (b)(2)(iii).

(3) The covered individual may write to OPM and request that OPM review the carrier's decision if the carrier either affirms its denial of a claim or fails to respond to a covered individual's written request for reconsideration within the time limit set forth in paragraph (b)(2) of this section. The covered individual must submit the request for OPM review within the time limit specified in paragraph (e)(1) of this section.

(4) The carrier may extend the time limit for a covered individual's submission of additional information to the carrier when the covered individual shows he or she was not notified of the time limit or was prevented by circumstances beyond his or her control from submitting the additional information.

(c) *Information required to process requests for reconsideration.* (1) The covered individual must put the request to the carrier to reconsider a claim in writing and give the reasons, in terms of applicable brochure provisions, that the denied claim should have been approved.

(2) If the carrier needs additional information from the covered individual to make a decision, it must:

(i) Specifically identify the information needed;

(ii) State the reason the information is required to make a decision on the claim;

(iii) Specify the time limit (60 days after the date of the carrier's request) for submitting the information; and

(iv) State the consequences of failure to respond within the time limit specified, as set out in paragraph (b)(2) of this section.

(d) *Carrier determinations.* The carrier must provide written notice to the covered individual of its determination. If the carrier affirms the initial denial, the notice must inform the covered individual of:

(1) The specific and detailed reasons for the denial;

(2) The covered individual's right to request a review by OPM; and

(3) The requirement that requests for OPM review must be received within 90 days after the date of the carrier's denial notice and include a copy of the denial notice as well as documents to support the covered individual's position.

(e) *OPM review.* (1) If the covered individual seeks further review of the denied claim, the covered individual must make a request to OPM to review the carrier's decision. Such a request to OPM must be made:

(i) Within 90 days after the date of the carrier's notice to the covered individual that the denial was affirmed;

(ii) If the carrier fails to respond to the covered individual as provided in paragraph (b)(2) of this section, within 120 days after the date of the covered individual's timely request for reconsideration by the carrier; or

(iii) Within 120 days after the date the carrier requests additional information from the covered individual, or the date the covered individual is notified that the carrier is requesting additional information from a provider. OPM may extend the time limit for a covered individual's request for OPM review when the covered individual shows he or she was not notified of the time limit or was prevented by circumstances beyond his or her control from submitting the request for OPM review within the time limit.

(2) In reviewing a claim denied by the carrier, OPM may:

(i) Request that the covered individual submit additional information;

(ii) Obtain an advisory opinion from an independent physician;

(iii) Obtain any other information as may in its judgment be required to make a determination; or

(iv) Make its decision based solely on the information the covered individual provided with his or her request for review.

(3) When OPM requests information from the carrier, the carrier must release the information within 30 days after the date of OPM's written request unless a different time limit is specified by OPM in its request.

(4) Within 90 days after receipt of the request for review, OPM will either:

(i) Give a written notice of its decision to the covered individual and the carrier; or

(ii) Notify the individual of the status of the review. If OPM does not receive requested evidence within 15 days after expiration of the applicable time limit in paragraph (e)(3) of this section, OPM may make its decision based solely on information available to it at that time and give a written notice of its decision to the covered individual and to the carrier.

(5) OPM, upon its own motion, may reopen its review if it receives evidence that was unavailable at the time of its original decision.

4. Section 890.107 is revised to read as follows:

§ 890.107 Court review.

(a) A suit to compel enrollment under § 890.102 must be brought against the employing office that made the enrollment decision.

(b) A suit to review the legality of OPM's regulations under this part must be brought against the Office of Personnel Management.

(c) Federal Employees Health Benefits (FEHB) carriers resolve FEHB claims under authority of Federal statute (5 U.S.C. chapter 89). A covered individual may seek judicial review of OPM's final action on the denial of a health benefits claim. A legal action to review final action by OPM involving such denial of health benefits must be brought against OPM and not against the carrier or carrier's subcontractors. The recovery in such a suit shall be limited to a court order directing OPM to require the carrier to pay the amount of benefits in dispute.

(d) An action under paragraph (c) of this section to recover on a claim for health benefits:

(1) May not be brought prior to exhaustion of the administrative remedies provided in § 890.105;

(2) May not be brought later than December 31 of the 3rd year after the year in which the care or service was provided; and

(3) Will be limited to the record that was before OPM when it rendered its

decision affirming the carrier's denial of benefits.

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BILLING CODE 6325–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 98

[Docket No. 94–006–2]

Importation of Embryos From Ruminants and Swine From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the regulations to allow, under specified conditions, the importation of embryos from all ruminants, including cervids, camelids, and all species of cattle, and from swine from countries where rinderpest or foot-and-mouth disease exists. The regulations currently provide for importing only embryos from certain species of cattle in countries where rinderpest or foot-and-mouth disease exists. Research now indicates that embryos from all species of cattle, from ruminants other than cattle, and from swine, which are produced, collected, and handled under certain conditions in countries where rinderpest or foot-and-mouth disease exists, can be imported with virtually no risk of introducing communicable diseases of livestock into the United States. This action will make additional sources of genetic material available to domestic animal breeders.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Dr. Roger Perkins, Staff Veterinarian, Import Animals Program, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231, (301) 734–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 98 (referred to below as the regulations) govern the importation of animal germ plasm so as to prevent the introduction of contagious diseases of livestock or poultry into the United States. Subpart A of part 98 applies to ruminant and swine embryos from countries free of rinderpest and foot-and-mouth disease (FMD), and to embryos of horses and asses. Subpart B applies to certain cattle embryos from countries where rinderpest or FMD exists. Subpart C applies to certain animal semen.

Subpart B currently allows for the importation of embryos from cattle (*Bos indicus* and *Bos taurus*) from countries where rinderpest or FMD exists only if embryos are produced, collected, and handled under certain conditions. However, research [1] has demonstrated that the same conditions effectively ensure that embryos from all species of cattle, and from swine, and from ruminants other than cattle, including camelids and cervids, can also be imported into the United States from countries where rinderpest or FMD exists without significant risk of introducing these diseases.

At this time, only *Bos indicus* and *Bos taurus* cattle embryos may be imported into the United States from countries where rinderpest or FMD exists. The available gene pool for swine and ruminants other than cattle cannot be enlarged by using embryos from animals in countries where rinderpest or FMD exists. Because of this, U.S. livestock interests, except cattle-related interests, cannot fully participate in the growing international market in germ plasm.

On June 6, 1995, we published in the Federal Register (60 FR 29781–29784, Docket No. 94–006–1) a proposal to amend the regulations in subpart B to allow embryos from all ruminants, including cervids and camelids, from countries where rinderpest or FMD exists, to be imported into the United States under the same conditions under which *Bos indicus* and *Bos taurus* cattle embryos may be imported from those countries into the United States. Also, we proposed to amend the regulations in subpart B to allow embryos from swine from countries where rinderpest or FMD exists to be imported into the United States under conditions that are the same as those for *Bos indicus* and *Bos taurus* cattle embryos, except with respect to the specific diseases for which we would screen.

We solicited comments concerning our proposal for 60 days ending August 7, 1995. We received 30 comments by that date. They were from individuals and groups involved with veterinary medicine, from a State Department of Agriculture, and from individuals, businesses, and associations interested in artificial insemination (AI).

Of the 30 comments received, 2 were supportive. Of the others, 23 were identical form letters. The issues raised in these comments are discussed below by topic.

[1] Information about pertinent research may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737–1231.

Treatment-Based Import Conditions

Most of the comments stated that our regulations for importing embryos should be completely revised. The commenters advocated a treatment-based approach to preventing the importation of disease via embryos, rather than the disease prevention/ disease avoidance system we now have, which is based on serologic testing.

We have carefully considered these comments. We are constantly reviewing our regulations to ensure that they reflect the latest proven technology and are as effective as possible. The proposed regulations published in June, 1995, included the regulatory changes we believe are technically sound and most needed and desirable at this time. However, we intend to review all the regulations in part 98. At that time, we will consider whether we should adopt a treatment-based approach for any diseases. If we determine that changes are warranted, we will publish proposed regulations for public comment in the Federal Register.

Applying Same Requirements to Other Species

Our regulations currently apply only to embryos from *Bos taurus* and *Bos indicus* cattle from countries where foot-and-mouth disease or rinderpest exists. Many of the commenters questioned the scientific basis for our proposal to allow importation of other species and expressed the belief that it would cause ''undue risk'' or that it was ''not without risk.''

Our regulations require embryos for importation to be washed. Washing removes some disease agents. It is correct that the washing procedures required under our regulations have not been tested for efficacy against all disease agents specific to swine, or against all disease agents of all species of ruminants. However, this is not necessary as our regulations are based on serologic testing of the donor animals. Under proposed § 98.15, we would require donor dams to be obtained from herds which have been free of all diseases of concern for at least 1 year before embryo collection and require donor dams to be tested and found free of all diseases of concern. In this way we would ensure that embryos from donor animals are free of diseases which would pose a disease threat to U.S. livestock.

Washing Embryos With Trypsin

Many of the commenters suggested we amend the regulations to require that

bovine embryos be washed with trypsin. Trypsin is an enzyme. It weakens the attachment between infectious bovine rhinotracheitis virus (IBRV) and embryos. Washing embryos with water alone removes other disease agents of concern to APHIS; adding trypsin allows IBRV to be removed.

Our regulations require embryos for importation into the United States to be washed at least 10 times (see § 98.17(f)(3)). The regulations do not require washing with trypsin—any importer may use trypsin if he or she wishes to. We do not believe it is desirable at this time to require all embryos to be washed with trypsin. Although trypsin offers protection against IBRV, we do not believe the cost of requiring it to be used for all bovine embryos is justified.

Under our current regulations, however, we may require specific embryos to be washed with trypsin. Section 98.17, paragraph (f)(6) states: ''The Administrator may require additional measures to be taken in processing embryos after collection (for example, adding trypsin to the washes) if he or she determines that such measures are necessary to ensure the embryos freedom from infectious agents that may cause communicable diseases.'' As stated in § 98.17(f)(6), circumstances that may result in such additional measures being required include, but are not limited to: (1) The existence of communicable diseases of livestock, other than the diseases specifically listed, in the country of origin, and (2) a high prevalence or an increase in the incidence of a communicable disease in the country of origin.

Diseases of Concern

One commenter objected to our listing vesicular stomatitis as a ''disease of concern'' in § 98.15 of the proposed rule because vesicular stomatitis is present in the United States. We agree that vesicular stomatitis is present in the United States. Brucellosis and tuberculosis, also listed in our proposed rule as ''diseases of concern'' are also present in the United States. These are diseases for which we have Federal or Federal-State cooperative control and eradication programs. We want to prevent the importation of embryos which could transmit vesicular stomatitis, brucellosis, or tuberculosis to livestock in this country. Infected embryos imported into this country would be additional sources of infection. This would make it more difficult to control and eradicate these diseases in the United States. For this reason, we are making no changes in the proposed regulations based on this comment.

One commenter asked us to test imported embryos for diseases in addition to those listed in the proposed regulations as ''diseases of concern.'' Another commenter stated that scrapie should be included as a ''disease of concern.'' This same commenter also stated that the regulations should include safeguards to ensure that swine embryos cannot transmit pseudorabies or any other virus.

The diseases listed in the regulations are those we consider the most dangerous. We require serologic testing and other measures to ensure that embryos that could transmit these diseases are not imported (see §§ 98.14 through 98.17 of the current regulations, and proposed §§ 98.15). With regard to pseudorabies, § 98.15(a) of our proposal lists pseudorabies as a disease of concern for swine. With regard to scrapie, we have published proposed regulations designed to ensure that embryos which could transmit scrapie are imported into the United States under conditions where they do not pose a threat to the health of livestock in the United States (see Docket No. 94–085–2, published May 11, 1995, at 60 FR 25151–25162).

In addition to the diseases listed in the regulations, we test embryos for other diseases if other diseases exist in the country of origin that could pose a threat to U.S. livestock. For these reasons, we do not believe our proposed regulations need to be amended based on these comments.

On-Site Compliance

One commenter suggested we add specific on-site compliance validation procedures to ensure that imported embryos have been prepared and shipped properly. Other commenters stated that we need to amend our regulations to provide for enforcement of import protocols.

We have carefully considered these comments and determined that changes in the regulations are warranted. We are therefore amending §§ 98.16 and 98.17(b). Section 98.16 is amended to require that an APHIS veterinarian inspect and approve embryo collection units as meeting our requirements. Requirements for embryo collection units are listed in § 98.16. However, the regulations have not included any mechanism for ensuring that the requirements are met. We believe this deficiency in the regulations will be corrected by this amendment. We are also amending § 98.17(b) to require that an APHIS veterinarian supervise all stages of embryo collection and processing. Section 98.17(b) provides that an ''official veterinarian'' must supervise embryo collection. An ''official veterinarian'' is either an APHIS veterinarian or a full-time salaried veterinarian of the national government of the country of origin. We believe not only that an APHIS veterinarian can best perform this function, but that when an APHIS veterinarian supervises the work, we can better verify, on-site, that requirements and procedures are met. We are further amending § 98.17, paragraphs (b) and (g), to specify that an APHIS veterinarian must supervise, in person, certain procedures. Included are collecting, pooling, freezing, and sending test samples to the Foreign Animal Disease Diagnostic Laboratory, and collecting, processing, and storing embryos. These are the crucial stages of embryo collection and processing. We believe they require the closest possible supervision to ensure that requirements and procedures are met.

Publish Import Protocols

Commenters stated that import protocols for individual countries should be ''mentioned'' in the regulations and that APHIS should consider all diseases present in the country of origin. Import protocols for individual countries do take into account all diseases that are present in that country. Import protocols are constantly changed, sometimes daily, depending on the disease situation in that country, the requirements of foreign governments, and many other factors. Protocols exist for numerous countries. At the time an importer applies for an import permit, he or she is given up-to-date information on the particular import requirements that apply to the embryos they wish to import. Our offices also provide current information to anyone who calls or writes concerning the protocols for a particular country. Under these circumstances, we do not believe the regulations need to be changed based on these comments.

Emergency Preparedness and Post-Entry Surveillance

Several commenters stated that APHIS needs to be adequately prepared to handle a foreign animal disease outbreak in the United States.

Our regulations are designed to offer multiple levels of security. One level consists of requirements designed to prevent the introduction of foreign animal diseases into the United States. The regulations in this rulemaking are in this category. Another level consists of requirements designed to control and eradicate livestock and poultry diseases

within the United States, and to regulate the interstate transportation of animals, including poultry, and animal products to prevent the spread of diseases and pests. These regulations are contained in the Code of Federal Regulations, Title 9, chapter I, subchapters B and C. In addition, APHIS maintains a staff devoted to emergency planning and preparedness, to contain and eradicate any outbreak of animal disease in the United States that should occur.

For these reasons, we believe APHIS is adequately prepared to handle an outbreak of a foreign animal disease, should that occur.

Several commenters also suggested that we include a post-entry surveillance program as part of our regulations. As explained above, our multi-level system of regulation is designed to ensure that foreign animal diseases are not introduced into the United States. Our controls on importation include requirements that we be notified of the destination of embryos. Our domestic animal identification system, coupled with requirements concerning interstate transportation of animals, allow us to trace animals which may be infected with disease. These programs have worked effectively for many years. In the case of embryos from sheep and goats that may be affected with scrapie, we have published proposed regulations requiring that these embryos be imported only into flocks or herds participating in the Voluntary Scrapie Flock Certification Program (see Docket 94–085–2, published May 11, 1995, at 60 FR 25151–25162). All animals in flocks and herds participating in this program are under our surveillance.

Additional post-entry surveillance requirements would not appear to increase the effectiveness of most of our programs, but would add costs for both APHIS and for the regulated industries. We are therefore not making any changes in this document based on these comments.

Economic Analysis

One commenter questioned the value we placed on embryos imported into the United States. In our proposed rule of June 6, 1995 (see 60 FR 29782), we stated that cattle embryos imported into the United States ''during the past several years has averaged in the hundred of thousands of dollars.'' This data is from the *Foreign Agricultural Trade of the United States, Fiscal Year 1994 Supplement* (USDA, Economic Service).[2]

Therefore, based on the rationale set forth in the proposed rule and in this document, we are adopting the provisions of the proposal as a final rule with the changes discussed in this document.

Miscellaneous

We are amending several sections of the regulations in part 98 to add Office of Management and Budget (OMB) control numbers for previously approved information collection and recordkeeping requirements. We did not propose to amend these sections in the proposed rule of June 6, 1995. However, adding OMB control numbers to the regulations is a minor administrative change and does not affect the regulations substantively.

Effective Date

This is a substantive rule that relieves restrictions and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the Federal Register. This rule will allow the importation of embryos from all ruminants, including cervids, camelids, and all species of cattle, and from swine from countries where rinderpest or foot-and-mouth disease exists. This action will make additional sources of genetic material available to domestic animal breeders. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective less than 30 days after publication in the Federal Register.

Executive Order 12866 and Regulatory Flexibility Act

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

This rule allows the importation of certain embryos from swine and ruminants, including camelids, cervids, and all species of cattle, from countries where rinderpest or foot-and-mouth disease exists, under restrictions that appear adequate to prevent the introduction or dissemination of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

As part of the proposed rule document published June 6, 1995, we invited comments concerning potential effects of the proposed rule. We stated that we were particularly interested in determining the number and kind of small entities that might incur benefits or costs from implementation of the rule. Other than the comment discussed above under the heading ''Economic Analysis,'' none of the comments we received addressed our Initial Regulatory Flexibility Analysis, and none provided any information of the type we requested. We have therefore based this Final Regulatory Flexibility Analysis on the data available to us.

The annual value of cattle embryos imported during the past several years has averaged in the hundreds of thousands of dollars. We do not expect this rule change to result in a significant increase in cattle embryo imports, since demand will continue to be predominantly for the *Bos indicus* and *Bos taurus* species. However, APHIS does foresee the importation of embryos of other species, such as water buffalo and certain breeds of sheep and goats from Africa.

At present, ruminants and swine from countries where rinderpest or foot-and-mouth disease exists may only enter the United States following quarantine at the Harry S Truman Animal Import Center (HSTAIC). Allowing embryos of additional ruminant species and swine to be imported will enable importers to forgo quarantine and other costs of importing live animals. For example, we estimate that the cost to importers of importing approximately 500 Boer goats from South Africa would average more than $2,000 per animal for quarantine in HSTAIC. This does not include testing, post-quarantine clean-up expenses, and other costs associated with importing animals through HSTAIC. In addition, importers must undergo the inconvenience and uncertainty of lottery selection (including submitting a cashier's check of $32,000 for each application for the lottery), must bear the costs of qualifying animals for importation through HSTAIC, and must assume the risk that animals may not qualify for importation after quarantine. Quarantine-related costs could easily exceed the cost of implanting an imported embryo. Savings in transporting embryos rather than live animals, both before and after entry into the United States, will also be realized.

This final rule contains paperwork and recordkeeping requirements. Under this rule, import permits and health certificates will be required for all ruminant and swine embryos, as they are now required for *Bos indicus* and *Bos taurus* cattle embryos. These requirements have been approved by the Office of Management and Budget.

[2] Page 298 of the *Foreign Agricultural Trade of the United States, Fiscal Years 1994 Supplement* includes a table showing that cattle embryos imported into the United States were valued at $160,000 during FY 1992, $228,000 during FY 1993, and $219,000 during FY 1994.

The alternatives to this final rule are to take no action, or to allow the importation of embryos under different conditions than those adopted in this rule. We did not consider taking no action a reasonable alternative, because it would, in our opinion, prohibit the importation of embryos which pose no significant risk of disease. We also did not consider importation under conditions other than those adopted a viable option. The only available research concerns embryos handled and treated using the methods required by this final rule. Embryos handled and treated using other methods have not been tested. We therefore have no data demonstrating that other methods would be adequate to prevent the importation of rinderpest, foot-and-mouth disease, and other communicable diseases of livestock.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been approved by the Office of Management and Budget under OMB control number 0579–0040 and 0579–0120.

List of Subjects in 9 CFR Part 98

Animal diseases, Imports, Reporting and recordkeeping requirements.

Accordingly, 9 CFR part 98 is amended as follows:

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

1. The authority citation for part 98 is revised to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 103–105, 111, 134a, 134b, 134c, 134d, 134f, 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.2(d).

Subpart B—Ruminant and Swine Embryos From Countries Where Rinderpest or Foot-and-Mouth Disease Exists

§ 98.5 [Amended]

2. Section 98.5 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040.)

3. The heading for subpart B is revised to read as set forth above.

4. Section 98.11 is amended by removing the definition of *Cattle,* and by adding, in alphabetical order, the following definitions, to read as follows:

§ 98.11 Definitions.

* * * * *

Ruminant. All animals which chew the cud, including cattle, buffaloes, camelids, cervids (deer, elk, moose, and antelope), sheep, goats, and giraffes.

Swine. The domestic hog and all varieties of wild hogs.

* * * * *

§§ 98.12, 98.13, 98.14 [Amended]

5. In the following sections, the word ''Cattle'' is removed and the words ''Ruminant and swine'' are added in its place:

a. § 98.12(a);
b. § 98.12(b);
c. § 98.13(a); and
d. § 98.14(a), the introductory text.

§ 98.13 [Amended]

6. Section 98.13 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040).

§ 98.14 [Amended]

7. Section 98.14 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040).

8. Section 98.15 is amended as follows:

a. In the introductory paragraph, by removing the word ''Cattle'' and adding the words ''Ruminant and swine'' in its place.

b. By revising paragraphs (a)(1) and (a)(2) to read as set forth below.

c. In paragraph (a)(4), by removing the word ''cattle'' and adding the words ''ruminants or swine'' in its place.

d. In paragraph (a)(5), by designating the first sentence as paragraph (a)(5)(i), by designating the second sentence as paragraph (a)(5)(ii) and revising it to read as set forth below; and by designating the third and fourth sentences as paragraphs (a)(5)(iii) and (a)(5)(iv), respectively.

e. In paragraph (a)(7), by designating the first sentence as paragraph (a)(7)(i) and revising it to read as set forth below; and by designating the second sentence as paragraph (a)(7)(ii).

f. In paragraph (a)(8), by designating the first sentence as paragraph (a)(8)(i) and revising it to read as set forth below; and by designating the second sentence as paragraph (a)(8)(ii).

§ 98.15 Health requirements.

* * * * *

(a) * * *

(1) During the year before embryo collection, no case of the following diseases occurred in the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

(2) During the year before embryo collection, no case of the following diseases occurred within 5 kilometers of the embryo collection unit or in any herd in which the donor dam was present:

(i) Ruminant: Bovine spongiform encephalopathy, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(ii) Swine: African swine fever, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(5) (i) * * *

(ii) The donor dam was determined to be free of foot-and-mouth disease based upon tests of the pair of serum samples. In addition, if any of the following diseases exist in the country of origin, the donor dam was determined to be free of these diseases based upon additional tests of the serum samples:

(A) Ruminant: Contagious bovine pleuropneumonia, Rift Valley fever, rinderpest, or vesicular stomatitis; or

(B) Swine: African swine fever, hog cholera, pseudorabies, rinderpest, swine vesicular disease, or vesicular stomatitis.

* * * * *

(7) (i) Not less than 30 days nor more than 120 days after embryo collection, the donor dam was examined by an official veterinarian and found free of clinical evidence of the following diseases:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

(8) (i) Between the time the embryos were collected and all examinations and tests required by this subpart were completed, no animals in the embryo collection unit with the donor dam, or in the donor dam's herd of origin, exhibited any clinical evidence of:

(A) Ruminant: Bovine spongiform encephalopathy, brucellosis, contagious bovine pleuropneumonia, foot-and-mouth disease, Rift Valley fever, rinderpest, tuberculosis, and vesicular stomatitis; or

(B) Swine: African swine fever, brucellosis, foot-and-mouth disease, hog cholera, pseudorabies, rinderpest, swine vesicular disease, tuberculosis, and vesicular stomatitis.

* * * * *

9. Section 98.16 is amended as follows:

a. In the introductory paragraph, the first sentence, by removing the word ''Cattle'' and adding the words ''Ruminant and swine'' in its place.

b. In the introductory paragraph, by revising the second sentence to read as set forth below.

c. In paragraph (b), the first sentence, by removing the word ''cattle'' and adding the words ''embryo donors'' in its place.

§ 98.16 The embryo collection unit.

* * * The embryo collection unit may be located on the premises where the donor dam's herd of origin is kept, or at any other location, provided that the embryo collection unit has been inspected and approved by an APHIS veterinarian and that the following requirements are met:

* * * * *

10. Section 98.17 is amended as follows:

a. By revising paragraph (b)(1) to read as set forth below.

b. In paragraph (g), by adding, at the end of the first and second sentences: ''under the personal supervision of an APHIS veterinarian''.

c. By adding at the end of the section the following: ''(Approved by the Office of Management and Budget under control number 0579–0040)''.

§ 98.17 Procedures.

(a) * * *

(b) *Oversight and supervision.* (1) All procedures associated with the production of embryos for importation into the United States, including artificial insemination, natural breeding, and cleaning and disinfection, must be performed under the oversight of an APHIS veterinarian. Collecting test samples, and collecting, processing, and storing embryos, must be supervised in person by an APHIS veterinarian.

* * * * *

§ 98.35 [Amended]

11. Section 98.35 is amended by adding at the end of the section the following:

(Approved by the Office of Management and Budget under control number 0579–0040)

Done in Washington, DC, this 2nd day of April 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–8471 Filed 4–4–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–SW–26–AD; Amendment 39–9561; AD 96–07–12]

Airworthiness Directives; Bell Helicopter Textron, Inc., Model 214ST Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Bell Helicopter Textron, Inc. (BHTI) Model 214ST helicopters with certain tailboom assemblies and a certain emergency float kit installed, that requires initial and repetitive inspections of the tailboom for cracks until modifications of the tailboom are accomplished. This amendment is prompted by several reports of cracks in the lower aft skin of the tailboom assembly. The actions specified by this AD are intended to prevent cracks in the tailboom assembly, which could result in structural failure of the tailboom and subsequent loss of control of the helicopter.

DATES: Effective May 10, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Harrison, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Certification Office, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5447, fax (817) 222–5959.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to BHTI Model 214ST helicopters, serial numbers (S/N) 28101 through 28132, with a tailboom assembly, part number (P/N) 214–031–003–111 or 214–031–003–277, and with an emergency float kit, P/N 214–706–120, installed, was published in the Federal Register on November 1, 1995 (60 FR 55495). That action proposed to require inspections of the tailboom assembly for cracks within 250 hours time-in-service (TIS) or at the next 180-day float inspection, and thereafter, at each 180-day float inspection until certain modifications of the tailboom are accomplished. The modifications, which are to be accomplished if any crack is found in the tailboom or on or before accumulating an additional 500 hours TIS after the effective date of this AD, whichever occurs first, include installing stiffeners and doublers in the tailboom, and replacing the access door frame with a thicker access door frame.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that six helicopters of U.S. registry will be affected by this AD, that it will take approximately 20 work hours per helicopter to accomplish the modifications, approximately 3 work hours per helicopter to accomplish the 250 hours TIS inspection, and that the average labor rate is $60 per work hour. Required parts will cost approximately $1,100 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $14,880.

The regulations adopted herein will not have substantial direct effects on the

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

AD 96–07–12 Bell Helicopter Textron, Inc. (BHTI): Amendment 39–9561. Docket No. 95–SW–26–AD.

Applicability: Model 214ST helicopters, serial number (S/N) 28101 through 28132, with a tailboom assembly, part number (P/N) 214–031–003–111 or 214–031–003–277 and with an emergency float kit, P/N 214–706–120, installed, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracks in the tailboom assembly, structural failure of the tailboom and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 250 hours time-in-service (TIS) or at the next 180-day float inspection, whichever occurs first, and thereafter at intervals not to exceed each 180-day float inspection, visually inspect the tailboom assembly for cracks in accordance with the maintenance procedures contained in Part 1 of the Accomplishment Instructions of BHTI Alert Service Bulletin 214ST–95–72, dated July 24, 1995.

(b) Upon discovery of a crack or on or before accumulating an additional 500 hours TIS after the effective date of this AD, whichever occurs first, modify the tailboom assembly in accordance with Part 2 of the Accomplishment Instructions of BHTI Alert Service Bulletin No. 214ST–95–72, dated July 24, 1995.

(c) Modification of the tailboom assembly in accordance with paragraph (b) constitutes terminating action for the requirements of this AD.

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

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

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

(f) The inspections and modifications shall be done in accordance with Bell Helicopter Textron, Inc. Alert Service Bulletin 214ST–95–72, dated July 24, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bell Helicopter Textron, Inc., Attention: Customer Support, P.O. Box 482, Fort Worth, Texas 76101. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on May 10, 1996.

Issued in Fort Worth, Texas, on March 26, 1996.

Larry M. Kelly,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 96–8384 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin with Pyrantel Pamoate

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Merck Research Laboratories, Division of Merck & Co., Inc., for a chewable tablet containing ivermectin in combination with pyrantel pamoate. The product is used to prevent canine heartworm disease and to treat and control ascarid and hookworm infections in dogs. The supplemental NADA provides for extending the use in dogs to those weighing less than 5 pounds and for revising the limitation in the regulation concerning use in dogs under 6 weeks of age.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Marcia K. Larkins, Center for Veterinary Medicine (HFV–112), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–0614.

SUPPLEMENTARY INFORMATION: Merck Research Laboratories, Division of Merck & Co., Inc., P.O. Box 2000, Rahway, NJ 07065, filed supplemental NADA 140–971, which provides for extending the use of Heartgard-30® Plus (ivermectin with pyrantel pamoate) to dogs weighing less than 5 pounds. In addition, the limitation in the regulation, ''Not to be used in dogs under 6 weeks of age.'', is being corrected to read ''Recommended for dogs 6 weeks of age and older.'' The product is used to prevent canine heartworm disease by eliminating the tissue larval stages of *Dirofilaria immitis* for 30 days after infection, and for the treatment and control of adult ascarids *Toxocara canis* and *Toxascaris leonina*, and adult hookworms *Ancylostoma*

caninum and *Uncinaria stenocephala*. The supplement is approved as of February 15, 1996, and the regulations are amended in § 520.1196 (21 CFR 520.1196) by revising the limitation in paragraph (c)(1)(iii) as above to reflect the correct limitation as is stated in the approved product labeling. The basis of approval is discussed in the freedom of information summary.

In addition, the heading of § 520.1196 is revised from ''pyrantel (as pamoate salt)'' to ''pyrantel pamoate'' in order to conform with titles of other sections.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Under section 512(c)(2)(F)(iii) of the Federal Food, Drug, and Cosmetic Act, this supplemental NADA qualifies for a 3-year marketing exclusivity period beginning February 15, 1996, because new clinical or field investigations (other than bioequivalence or residue studies) essential to the approval were conducted or sponsored by the applicant. The exclusivity period applies only to use in animals weighing less than 5 pounds.

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.

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

Authority: Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

2. Section 520.1196 is amended by revising the section heading and in paragraph (c)(1)(iii) by revising the second sentence to read as follows:

§ 520.1196 Ivermectin and pyrantel pamoate chewable tablet.

* * * * *

(c) * * *

(1) * * *

(iii) * * * Recommended for dogs 6 weeks of age and older. * * *

* * * * *

Dated: March 28, 1996.

Robert C. Livingston,

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 96–8362 Filed 4–4–96; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 814

[Docket No. 93N–0047]

RIN 0910–AA09

Medical Devices; Temporary Suspension of Approval of a Premarket Approval Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing procedures to order the temporary suspension of approval of a premarket approval application (PMA) for a medical device. This action is being taken under a new authority granted to the agency by the Safe Medical Devices Act of 1990 (the SMDA). Under this new authority, if, after providing an opportunity for an informal hearing, FDA determines there is a reasonable probability that continued distribution of a device would cause serious, adverse health consequences or death, the agency shall, by order, temporarily suspend approval of a PMA, and proceed expeditiously, but within 60 days, to permanently withdraw approval of the PMA. The final rule also clarifies that these procedures apply to an original PMA, as well as any PMA supplement(s), for a medical device.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Lisa A. Rooney, Center for Devices and Radiological Health (HFZ–84), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301–594–4765, ext. 164.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of October 12, 1993 (58 FR 52729), FDA published a proposed rule to establish procedures to order the temporary suspension of approval of a PMA for a medical device. Interested persons were given until December 13, 1993, to comment on the proposed rule. The agency received four comments, one from a trade association, and three from manufacturers.

II. Summary of the Final Rule

Section 9 of the SMDA (Pub. L. 101–629) amended section 515(e) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(e)) by adding section 515(e)(3) of the act which provides the agency with the authority to temporarily suspend approval of a PMA. This authority applies to the original PMA, as well as any PMA supplement(s), for a medical device. Section 515(e)(3) of the act and new § 814.47, the implementing regulation, provide the agency with a prompt method of removing dangerous devices from the market pending resolution of permanent PMA or PMA supplement withdrawal proceedings.

Under § 814.47(a), FDA will issue an order temporarily suspending approval of a PMA or a PMA supplement when FDA determines that there is a reasonable probability that continued distribution of the device would cause serious, adverse health consequences or death.

Pursuant to § 814.47(b), when FDA makes the requisite determination, FDA shall provide an opportunity for an informal hearing to determine whether to issue an order temporarily suspending approval of a PMA or a PMA supplement. Such an informal hearing is to be initiated and conducted by FDA pursuant to part 16 (21 CFR part 16). Generally, under § 814.47(b)(2), the person provided with notice of an opportunity for an informal hearing will have not less than 3 working days after receipt of the notice to request a hearing. Moreover, the informal hearing ordinarily will not be held less than 2 working days after receipt of the request for the hearing, in order to provide time for preparation. However, in those rare circumstances when FDA believes that immediate action to remove a dangerous device from the market is necessary to protect the public health, the agency may waive, suspend, or modify the above-referenced timeframes in accordance with § 10.19 (21 CFR 10.19) and § 16.60(h).

Under § 814.47(b)(3), a PMA holder's or a PMA supplement holder's failure to request a hearing within the timeframe specified by FDA in the notice of opportunity for a hearing, which is generally not less than 3 working days, is deemed a waiver of the hearing.

Pursuant to § 814.47(c), if the PMA or PMA supplement holder does not request a hearing or after an informal hearing, FDA shall, by order, temporarily suspend approval of a PMA or PMA supplement if the agency determines there is a reasonable probability that continued distribution of the device would cause serious, adverse health consequences or death. In accordance with § 814.47(d), FDA shall proceed expeditiously, but within 60 days, to permanently withdraw approval of the PMA or PMA supplement.

III. Clarification of the Proposed Rule

This final rule clarifies that the procedures for ordering the temporary suspension of approval of a PMA apply to both the original PMA and any PMA supplement(s) for a medical device. A PMA supplement is a supplemental application for approval of a change affecting the safety or effectiveness of a device for which there is an approved PMA (see §§ 814.3(g) and 814.39). As discussed in the preamble to part 814 (21 CFR part 814) (51 FR 26342 at 26354, July 22, 1986), when an applicant submits a PMA supplement for a change in an approved device, the applicant has, in effect, submitted a new PMA for the ''new'' (changed) device. For this reason, FDA has concluded that the authority provided by section 515(e)(3) of the act applies to both PMA's and PMA supplement(s).

IV. Changes from the Proposed Rule

Although the agency maintained the basic framework of the proposed rule, FDA modified the proposed rule in order to be consistent and compatible with the medical device recall authority and to address concerns raised in the comments. Several comments raised due process concerns that resulted in FDA clarifying proposed § 814.47(b) and modifying proposed § 814.47(d).

FDA clarified that the hearing provided for in § 814.47(b) will be conducted, whenever possible, in accordance with the procedures set out in part 16. Thus, under § 814.47(b)(2), the person offered an opportunity for an informal hearing ordinarily will have not less than 3 working days after receipt of the notice to request a hearing. Moreover, the informal hearing ordinarily will not be held less than 2 working days after receipt of the request for the hearing. However, in extraordinary cases, if FDA believes that immediate action to remove a dangerous device from the market is necessary to protect the public health, the agency may waive, suspend, or modify the above-referenced timeframes in accordance with § 10.19 and 16.60(h).

Furthermore, FDA amended § 814.47(d) to specify a timeframe within which FDA must initiate permanent withdrawal of PMA or PMA supplement approval after issuing an order temporarily suspending PMA or PMA supplement approval. FDA concluded that following issuance of an order temporarily suspending approval of a PMA or a PMA supplement, the agency will proceed expeditiously, but within 60 days, to permanently withdraw approval of the PMA or the PMA supplement.

V. Relationship Between Temporary Suspension of Approval of a PMA or PMA Supplement and Medical Device Recall Authority

The SMDA provided FDA with, among other things, the authority to issue orders to temporarily suspend the approval of a PMA or a PMA supplement and to recall medical devices.

Section 8 of the SMDA amended section 518 of the act (21 U.S.C. 360h) by adding a new subsection (e) entitled ''Recall Authority.'' Section 518(e)(1) of the act provides that, if FDA finds that there is a reasonable probability that a device intended for human use would cause serious, adverse health consequences or death, FDA shall issue an order requiring the appropriate person to immediately cease distribution of the device, immediately notify health professionals and device user facilities of the order, and instruct such professionals and facilities to cease use of the device. Section 518(e)(2) of the act states that, after providing an opportunity for an informal hearing, FDA may amend the cease distribution and notification order to require a recall of the device. FDA's medical device recall authority may be invoked for any class of device.

This recall authority may be invoked for targeted purposes, for example, when FDA wants an individual to temporarily cease distribution and/or recall certain lots, batches, or models of class I, class II, or class III devices which are located either in-house or on the market until such devices are brought into compliance; or, the recall authority may be used more broadly to cease distribution and/or recall all models, batches, or lots of a manufacturer's device. On the other hand, the agency's authority to temporarily suspend approval of a PMA or a PMA supplement is invoked only in the latter circumstance, when FDA wants a manufacturer to cease marketing all models, batches, or lots of a particular class III device which was approved under the subject PMA or PMA supplement, pending permanent withdrawal of the device's PMA or PMA supplement approval. Thus, there may be circumstances in which FDA could invoke both authorities.

The threshold criteria for invoking the medical device recall authority and the authority to temporarily suspend approval of a PMA or PMA supplement are identical. Under both authorities, FDA will issue orders only when FDA determines there is a reasonable probability that continued distribution of a device would cause serious, adverse health consequences or death. Furthermore, under both authorities, FDA must provide the person subject to the order and the holder of the approved PMA or PMA supplement for the device with an opportunity for an informal hearing. In both situations, the informal hearing is to be conducted by FDA pursuant to part 16.

If FDA determines that there is a reasonable probability that continued distribution of a currently marketed class III medical device would cause serious, adverse health consequences or death, the agency may invoke its medical device recall authority as well as its authority to temporarily suspend approval of the PMA or PMA supplement for the device. If both authorities are invoked, the medical device recall informal hearing will be combined with the temporary suspension of approval of a PMA or PMA supplement informal hearing. This combined informal hearing will occur after FDA makes the requisite finding, issues a cease distribution and notification order, and issues a letter of intent to temporarily suspend approval of a PMA or PMA supplement. This combined informal hearing does not eliminate the PMA or PMA supplement holder's opportunity for an informal hearing prior to FDA permanently withdrawing approval of a PMA or PMA supplement (see section 515(e)(1) of the act).

VI. Summary and Analysis of Comments and FDA's Response

1. One comment noted that the proposed rule, which states that ''FDA may initiate and conduct a regulatory hearing to determine whether to issue an order temporarily suspending approval of the PMA'' (§ 814.47(b)(1)), implies that FDA can use its own discretion in determining whether or not to hold a hearing prior to temporarily suspending PMA approval and is contrary to section 515(e)(1) and (e)(3) of the act and to the preamble of the proposed rule itself (see 58 FR

52729). Thus, it was urged that the final rule unequivocally state that FDA will provide the manufacturer with an opportunity for an informal hearing prior to temporarily suspending PMA approval.

FDA agrees with this comment. Under final § 814.47(b), FDA must give the PMA or PMA supplement holder notice and an opportunity for a regulatory hearing under part 16 prior to temporarily suspending PMA or PMA supplement approval. However, whether or not a regulatory hearing is actually conducted depends on the decision of the PMA or PMA supplement holder. If the PMA or PMA supplement holder does not request a regulatory hearing within the timeframe specified by FDA in the notice of opportunity for a hearing, then FDA may temporarily suspend approval of the PMA or PMA supplement without a hearing. On the other hand, if the PMA or PMA supplement holder requests the regulatory hearing within the timeframe specified by FDA in the notice of opportunity for a hearing, then FDA must conduct the hearing before temporarily suspending approval of the holder's PMA or PMA supplement.

2. Under § 814.47(b)(2), if FDA believes that immediate action to remove a dangerous device from the market is necessary to protect the public health, FDA may, pursuant to § 16.60(h), waive or modify any part 16 procedure in accordance with § 10.19. A comment noted that in this situation FDA can waive § 16.24(e), which states that a hearing may not be required to be held at a time less than 2 working days after receipt of the request for a hearing. This comment recommended that, at the very least, § 16.60(h) should not apply to § 16.24(e). Another comment urged that the agency should not be allowed, under § 16.60(h), to waive the notice requirements of § 16.24(e), which states that a hearing may not be required to be held at a time less than 2 working days after receipt of the request for a hearing and § 16.22(b), which gives a person at least 3 days after receiving notice of an opportunity for a hearing to request one. The comment urged that waiver of these sections would violate a PMA holder's due process rights. Additionally, it was contended that §§ 16.22(b) and 16.24(e) cannot be waived because §§ 10.19 and 16.60(h) do not permit FDA to waive notice requirements. The comment requested that FDA insert language granting an informal hearing as defined in section 201(x) of the act (21 U.S.C. 321(x)) and specifying that notice of at least 10 calendar days is required prior to the issuance of an order temporarily suspending approval of a PMA. This same comment noted that, under § 10.19, waiver of prehearing requirements is only allowed ''if no participant will be prejudiced, the ends of justice will thereby be served, and the action is in accordance with the law.'' According to this comment, waiver of §§ 16.22(b) and 16.24(e) would violate section 515(e)(3) of the act, which requires the opportunity for an informal hearing.

FDA agrees that the hearing provided for in § 814.47(b)(2) should be conducted, whenever possible, within the timeframes set out in part 16. Thus, in accordance with § 16.22(b) of this chapter, under § 814.47(b)(2), the person offered an opportunity for an informal hearing ordinarily will have not less than 3 working days after receipt of the notice to request a hearing. Furthermore, pursuant to § 16.24(e), the informal hearing ordinarily will not be held less than 2 working days after receipt of the request for the hearing. However, under § 16.60(h), the Commissioner or the presiding officer has the power to waive any part 16 provision. According to § 10.19, part 16 provisions can only be suspended, modified, or waived if no participant will be prejudiced, the ends of justice will thereby be served, and the action is in accordance with the law. FDA can waive, modify, or suspend the timeframes associated with the regulatory hearings relating to suspension of PMA or PMA supplement approvals as long as the PMA or PMA supplement holder is given notice and an opportunity for an informal hearing as required by section 515(e)(3) of the act. In extraordinary cases, FDA could give the PMA holder notice, conduct a hearing, and render a decision on the same day. This would be consistent with Congress' intent that, for temporary suspension action, the informal hearing, when necessary, should be analogous to a temporary restraining order (TRO) hearing that could result in notice, a hearing, and a judicial decision in a single day if immediate action to remove a dangerous device from the market is absolutely necessary to protect the public health. (See H. Rept. 808, 101st Cong., 2d sess. 31 (1990).) Expedited hearing procedures under section 513(e) of the act, therefore, would be in accordance with the law. However, FDA believes that most temporary suspension hearings will be conducted within the timeframes set out in part 16.

3. Another comment stated that enacting this rule as proposed, i.e., authorizing FDA to suspend, modify, or waive any part 16 procedures, would create a procedure whereby persons challenging recall orders would have greater opportunities to defend themselves than persons affected by PMA suspension orders.

As noted above, FDA is seeking to make as consistent and parallel as possible the procedures for recalling a device and temporarily suspending approval of a PMA or PMA supplement. Moreover, it is important to point out the additional protections that exist for PMA holders. Under section 515(e)(1) of the act, FDA must provide notice and an opportunity for an informal hearing before issuing an order for permanent withdrawal of PMA or PMA supplement approval. Additionally, a PMA or PMA supplement holder may petition for review of a section 515(e)(1) order pursuant to section 515(g) of the act. Section 515(g)(1) of the act provides ''[u]pon petition for review of * * * an order * * * withdrawing approval of an [PMA] application * * * the Secretary shall * * * hold a hearing * * *. The panel or panels which considered the application * * * shall designate a member to appear and testify at any such hearing upon request of the Secretary, the petitioner, or the officer conducting the hearing * * *. Upon completion of such hearing and after considering the record established in such hearing, the Secretary shall issue an order either affirming the order subject to the hearing or reversing such order and, as appropriate, * * * reinstating the application's approval * * *.'' Thus, a PMA or PMA supplement holder is provided with additional opportunities for a hearing prior to permanent withdrawal of PMA or PMA supplement approval.

4. Another comment suggested that FDA's reliance upon H. Rept. 808, 101st Cong., 2d sess. 31 for authority to give notice, conduct a hearing, and render a judicial decision within 1 day is misplaced because this legislative history relates to hearings, not informal hearings.

FDA disagrees with this comment. The hearing referred to in the legislative history clearly pertains to the informal hearing discussed in section 515(e)(3) of the act even though Congress used the term ''hearing,'' rather than ''informal hearing'' in the legislative history. Moreover, FDA can give notice, conduct a hearing, and render a decision in 1 day and still satisfy the informal hearing requirements found in section 201(x) of the act. However, as discussed in response to comment 2 of this document, FDA anticipates that temporary suspension hearings will almost always be conducted in accordance with the timeframes set out in part 16.

5. A comment suggested that there is no need for this rule because FDA can simply request a PMA holder to immediately stop distributing the product or, if a PMA holder fails to comply with this request, FDA can issue an order under FDA's recall authority to stop distribution of a device which threatens the public health.

FDA disagrees with this comment. Congress gave FDA two separate, though overlapping, authorities to remove dangerous devices from the market. FDA will use one or both of these mechanisms, depending upon particular circumstances. As noted earlier, FDA has made the two procedures as consistent and parallel as possible in order to minimize confusion should both authorities be invoked.

6. All comments noted that proposed § 814.47(d) failed to define the term ''proceed expeditiously'' and requested that the final rule specify a timeframe within which FDA must initiate permanent withdrawal of PMA approval after issuing an order temporarily suspending PMA approval. The comments suggested that FDA begin the permanent withdrawal proceedings within 10 to 30 days after issuing the temporary suspension order and conclude the proceedings within 30 to 60 days after issuing the temporary suspension order.

FDA agrees with the goal expressed in these comments. FDA has concluded that following the issuance of an order temporarily suspending approval of a PMA or PMA supplement, the agency will proceed expeditiously, but within 60 days, to hold a hearing on whether to permanently withdraw approval of the PMA or PMA supplement. Based on prior experience, FDA has determined that 60 days is sufficient time for both a PMA holder and FDA to prepare for an informal hearing which is required to be held prior to permanently withdrawing approval of a PMA, if such a hearing is requested. Section 814.14(d) has been amended accordingly.

7. A comment requested that the ''serious, adverse health consequences'' definition found in proposed § 814.3 be changed. It was suggested that the words ''long range'' be replaced with ''long term'' because ''long term'' is a phrase that is more precise, that conforms to the legislative history, and that is more familiar to medical device manufacturers. (See S. Rept. 513, 101st Cong., 2d sess. 19 (1990).)

FDA agrees with this comment. The legislative history surrounding section 515(e)(3) of the act states that the term ''serious, adverse health consequences'' means: any significant adverse experience attributable to a device, including those which may be either life-threatening, or involve permanent or long-term injuries, but excluding those nonlife-threatening injuries which are temporary and reasonably reversible. (See S. Rept. 513, 101st Cong., 2d sess. 19 (1990).) The definition has been changed to reflect the legislative history definition.

FDA also has revised the definition of serious, adverse health consequences in § 814.3(l) by deleting the following sentence: ''Injuries attributable to a device that are treatable and reversible by standard medical techniques, proximate in time to the injury, are not included within the term's definition.'' The legislative history makes clear that the idea captured in the second sentence of the proposed definition was intended only to further explain the type of injury that would trigger temporary suspension *Id.* FDA has made the same revision in the medical device recall regulation.

8. One comment said that the preamble to the proposed rule suggested that application of section 515(e)(3) of the act turns on the judgment of whether, if distribution of the devices continues, one or more individual devices would be more likely than not to cause serious, adverse health consequences or death. The comment stated that this statement in the preamble erroneously implies that one device is enough to allow FDA to order a temporary PMA suspension.

FDA believes this comment misunderstands FDA's intent. FDA emphasizes that application of section 515(e)(3) of the act does not turn on whether a particular percentage of devices would cause serious, adverse health consequences or death, but rather on the judgment of whether it is more likely than not that serious, adverse health consequences or death will result if distribution of the device continues.

9. A comment urged that the definition of ''reasonable probability'' found in proposed § 814.3 be made consistent with the February 1988 CDRH Medical Device Reporting Questions and Answers document, p. 22, for reportable malfunctions, which defines ''likely'' in terms of both a qualitative and quantitative evaluation of the likelihood that a recurrence of the malfunction will cause or contribute to a death or serious injury.

FDA disagrees with this comment. The legislative history of section 515(e)(3) of the act states that a ''reasonable probability'' is ''one where it is more likely than not that the event will occur.'' (See S. Rept. 513, 101st Cong., 2d sess. 19 (1990).) The same ''reasonable probability'' definition has been incorporated in § 814.3(k) for consistency.

10. A comment requested that the rule allow a manufacturer to voluntarily withdraw a product before FDA issues an order temporarily suspending approval of the PMA.

FDA agrees that a manufacturer can voluntarily withdraw a PMA or PMA supplement before FDA issues an order temporarily suspending approval of the application. In fact, FDA will ordinarily encourage the manufacturer to voluntarily withdraw its application before FDA issues a temporary suspension order. However, if FDA's attempts are unsuccessful or if FDA chooses not to urge voluntary withdrawal initially, FDA will follow the procedures for temporarily suspending approval of the manufacturer's PMA or PMA supplement. Because a voluntary withdrawal of the application renders moot the need for FDA to suspend its approval, there is no need to include this procedure in the final rule.

VII. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

VIII. Analysis of Impacts

FDA has examined the impacts of the final 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 final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final 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 this rule only establishes the procedures by which FDA will implement its authority for the temporary suspension of approval of premarket approval applications, by

itself it imposes no burdens on manufacturers. Thus, the agency certifies that the final 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.

List of Subjects in 21 CFR Part 814

Administrative practice and procedure, Confidential business information, Medical devices, Medical research, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 814 is amended as follows:

PART 814—PREMARKET APPROVAL OF MEDICAL DEVICES

1.The authority citation for 21 CFR part 814 continues to read as follows:

Authority: Secs. 501, 502, 503, 510, 513–520, 701, 702, 703, 704, 705, 708, 721, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 353, 360, 360c–360j, 371, 372, 373, 374, 375, 379, 379e, 381).

2. Section 814.3 is amended by adding new paragraphs (k) and (l) to read as follows:

§ 814.3 Definitions.

* * * * *

(k) *Reasonable probability* means that it is more likely than not that an event will occur.

(l) *Serious, adverse health consequences* means any significant adverse experience, including those which may be either life-threatening or involve permanent or long term injuries, but excluding injuries that are nonlife-threatening and that are temporary and reasonably reversible.

3. New § 814.47 is added to subpart C to read as follows:

§ 814.47 Temporary suspension of approval of a PMA.

(a) *Scope.* (1) This section describes the procedures that FDA will follow in exercising its authority under section 515(e)(3) of the act (21 U.S.C. 360e(e)(3)). This authority applies to the original PMA, as well as any PMA supplement(s), for a medical device.

(2) FDA will issue an order temporarily suspending approval of a PMA if FDA determines that there is a reasonable probability that continued distribution of the device would cause serious, adverse health consequences or death.

(b) *Regulatory hearing.* (1) If FDA believes that there is a reasonable probability that the continued distribution of a device subject to an approved PMA would cause serious, adverse health consequences or death, FDA may initiate and conduct a regulatory hearing to determine whether to issue an order temporarily suspending approval of the PMA.

(2) Any regulatory hearing to determine whether to issue an order temporarily suspending approval of a PMA shall be initiated and conducted by FDA pursuant to part 16 of this chapter. If FDA believes that immediate action to remove a dangerous device from the market is necessary to protect the public health, the agency may, in accordance with § 16.60(h) of this chapter, waive, suspend, or modify any part 16 procedure pursuant to § 10.19 of this chapter.

(3) FDA shall deem the PMA holder's failure to request a hearing within the timeframe specified by FDA in the notice of opportunity for hearing to be a waiver.

(c) *Temporary suspension order.* If the PMA holder does not request a regulatory hearing or if, after the hearing, and after consideration of the administrative record of the hearing, FDA determines that there is a reasonable probability that the continued distribution of a device under an approved PMA would cause serious, adverse health consequences or death, the agency shall, under the authority of section 515(e)(3) of the act, issue an order to the PMA holder temporarily suspending approval of the PMA.

(d) *Permanent withdrawal of approval of the PMA.* If FDA issues an order temporarily suspending approval of a PMA, the agency shall proceed expeditiously, but within 60 days, to hold a hearing on whether to permanently withdraw approval of the PMA in accordance with section 515(e)(1) of the act and the procedures set out in § 814.46.

Dated: March 28, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8361 Filed 4–4–96; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AH14

Veterans Education: Increase in Rates Payable Under the Montgomery GI Bill—Active Duty, 1994–95

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: By statute the monthly rates of basic educational assistance payable to veterans and servicemembers under the Montgomery GI Bill —Active Duty must be adjusted each fiscal year. In accordance with the statutory formula, the regulations governing rates of basic educational assistance payable under the Montgomery GI Bill—Active Duty for fiscal year 1995 (October 1, 1994 through September 30, 1995) are changed to show a 1.22% increase.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration (202) 273–7187.

SUPPLEMENTARY INFORMATION: Under the formula mandated by 38 U.S.C. 3015(g) and section 12009 of the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) for fiscal year 1995, the rates of basic educational assistance under the Montgomery GI Bill—Active Duty payable to students pursuing a program of education full time must be increased by one-half of the percentage that the total of the monthly Consumer Price Index-W for July 1, 1993 through June 30, 1994 exceeds the total of the monthly Consumer Price Index-W for July 1, 1992 through June 30, 1993. Under this formula, the changes to the regulations governing monthly rates reflect a 1.22% increase.

It should be noted that some veterans will receive an increase in monthly payments that will be less than 1.22%. The increase does not apply to additional amounts payable by the Secretary of Defense to individuals with skills or a specialty in which there is a critical shortage of personnel (so-called ''kickers''). It does not apply to supplemental educational assistance. It also does not apply to amounts payable for dependents. Veterans who previously had eligibility under the Vietnam Era GI Bill receive monthly payments that are in part based upon basic educational assistance and in part based upon the rates payable under the Vietnam Era GI Bill. Only that portion attributable to basic educational assistance is increased by 1.22%.

Although 38 U.S.C. 3015(g) requires only that the full-time rates be increased, these revisions include increases for other training also. Monthly rates payable to veterans in apprenticeship or other on-job training or cooperative training are set by statute at a given percentage of the full-time rate. Hence, any rise in the full-time rate

automatically requires an increase in the rates for these types of training.

38 U.S.C. 3015 (a) and (b) require that the Department of Veterans Affairs (VA) pay part-time students at appropriately reduced rates. Since the first student became eligible for assistance under the Montgomery GI Bill—Active Duty in 1985, VA has paid three-quarter-time students and one-half-time students at 75% and 50% of the full-time rate, respectively. Students pursuing a program of education at less than one half but more than one-quarter-time have had their payments limited to 50% or less of the full-time rate. Similarly, students pursuing a program of education at one-quarter-time or less have had their payments limited to 25% or less of the full-time rate. Changes are made consistent with the authority and formula described in this paragraph.

Nonsubstantive changes also are made for the purpose of clarity.

The changes set forth in this final rule are applied retroactively from the effective date of the statutory changes.

Substantive changes made by this final rule merely reflect statutory requirements and adjustments made based on previously established formulas. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

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

The Catalog of Federal Domestic Assistance number for the program affected by this final rule is 64.124.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Entitlement programs-education, Entitlement programs-veterans, Health care, Loan programs-education, Loan programs-veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 28, 1996.
Jesse Brown,
Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21 (subpart K) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart K—All Volunteer Force Educational Assistance Program (New GI Bill)

1. The authority citation for part 21, subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

2. In § 21.7136, paragraph (b)(3) is amended by removing ''$320'' and adding, in its place, ''$323.90 for training that occurs after September 30, 1994, and before October 1, 1995''; paragraph (c)(3) is amended by removing ''$260'' and adding, in its place, ''$263.18 for training that occurs after September 30, 1994, and before October 1, 1995,''; and paragraphs (b)(1), (b)(2), (c) introductory text, (c)(1), and (c)(2) and their authority citations are revised, to read as follows:

§ 21.7136 Rates of payment of basic educational assistance.

* * * * *

(b) *Rates.* (1) Except as provided in paragraphs (b)(2), (b)(3), and (d) of this section, the monthly rate of basic educational assistance payable for training that occurs after September 30, 1994, and before October 1, 1995, to a veteran whose service is described in paragraph (a) of this section is the rate stated in the following table.

Training	Monthly rate
Full time	$404.88
¾ time	303.66
½ time	202.44
Less than ½ but more than ¼ time	202.44
¼ time or less	101.22

(Authority: 38 U.S.C. 3015; sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(2) If a veteran's service is described in paragraph (a) of this section, the monthly rate payable to the veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	$303.66
Second six months of pursuit of program	222.68
Remaining pursuit of program	141.71

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

* * * * *

(c) *Rates for some veterans whose initial obligated period of active duty is less than three years.* If a veteran has established eligibility under § 21.7042, but the veteran's service is not described in paragraph (a)(2) of this section, the monthly rate of educational assistance payable to the veteran will be determined by this paragraph.

(1) Except as provided in paragraphs (c)(2), (c)(3), and (d) of this section, the monthly rate of basic educational assistance payable to a veteran for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training	Monthly rate
Full time	$328.97
¾ time	246.73
½ time	164.49
Less than ½ but more than ¼ time	164.49
¼ time or less	82.24

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(2) The monthly rate of educational assistance payable to a veteran for pursuit of an apprenticeship or other on-job training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate
First six months of pursuit of program	$246.73
Second six months of pursuit of program	180.93
Remaining pursuit of program	115.14

(Authority: 38 U.S.C. 3015, 3032(c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

* * * * *

3. In § 21.7137, paragraph (c)(2) introductory text is amended by removing ''rates'' and adding, in its place, ''rates for training that occurs after September 30, 1994, and before October 1, 1995''; paragraph (c)(2)(i) is amended by removing ''$588.00'' and adding, in its place, ''$592.88''; paragraph (c)(2)(ii) is amended by removing ''$441.00'' and adding, in its

place, ''$445.16''; paragraph (c)(2)(iii) is amended by removing ''$294.00'' and adding, in its place, ''$296.44''; paragraph (c)(2)(iv) is amended by removing ''$147.00'' and adding, in its place, ''$148.22''; and paragraphs (a)(1) and (a)(2) and their authority citations are revised, to read as follows:

§ 21.7137 Rates of payment of basic educational assistance for individuals with remaining entitlement under 38 U.S.C. ch. 34.

(a) *Minimum rates.* * * *

(1) Except as provided in paragraphs (a)(2), (b), and (c) of this section, the monthly rate of basic educational assistance for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
Full time	$592.88	$628.88	$659.88	$16.00
¾ time	445.16	471.66	495.16	12.00
½ time	296.44	314.44	329.94	8.50
Less than ½ but more than ¼ time	296.44			
¼ time	148.22			
Cooperative	445.50	465.90	485.50	9.20

(Authority: 38 U.S.C. 3015(c), 3015(f), 3015(g); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(2) For veterans pursuing an apprenticeship or other on-job training, the monthly rate of basic educational assistance for training that occurs after September 30, 1994, and before October 1, 1995, is the rate stated in the following table.

Training period	Monthly rate			
	No dependents	One dependent	Two dependents	Additional for each additional dependent
1st 6 months of pursuit of program	$406.41	$418.79	$429.66	$5.25
2nd 6 months of pursuit of program	279.06	288.41	296.11	3.85
3rd 6 months of pursuit of program	165.51	171.63	176.36	2.45
Remaining pursuit of program	153.61	159.38	164.63	2.45

(Authority: 38 U.S.C. 3015(d), 3015(f), 3015(g); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

* * * * *

[FR Doc. 96–8301 Filed 4–4–96; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180 and 186

[PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204; FRL–5351–1]

Pesticide Tolerances for Glyphosate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances and feed additive regulations for residues of the herbicide glyphosate [(*N*-phosphonometyhyl)glycine]. The specific proposals are as follows: establishment of tolerances for alfalfa hay at 200 parts per million (ppm), alfalfa forage at 75 ppm, soybean aspirated grain fractions at 50 ppm; sunflower seed at 0.1 ppm, increased tolerances on the kidney of cattle, goats, hog, horses, and sheep from 0.5 to 4.0 ppm; an amended tolerance removing the metabolite aminomethylphosphonic acid (AMPA) from the expression and increasing the established tolerance for soybean forage from 15 to 100 ppm; amended tolerances removing the metabolite AMPA from the expressions for the established tolerances soybean, grain at 20 ppm, and soybean, hay at 200 ppm; deletion of the established tolerances for soybean straw at 200 ppm; and an amended feed additive regulation removing the metabolite AMPA from the expression for the established tolerance soybean hulls at 100 ppm. This rule also amends the current tolerance for citrus fruits and the feed additive regulation for citrus pulp, dried by removing the metabolite AMPA from the expressions and increasing the tolerance for citrus fruits from 0.2 to 0.5 ppm and increasing the tolerance for citrus pulp, dried from 1.0 to 1.5 ppm. Monsanto Company requested these tolerances and feed additive regulation in petitions submitted to EPA pursuant to the Federal Food, Drug, and Cosmetic Act (FFDCA).

EFFECTIVE DATES: These regulations become effective April 5, 1996.

ADDRESSES: Written objection and hearing requests, identified by the document control number, [PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing request filed with the Hearing Clerk should be identified by the document control number and submitted 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 a copy of objections and hearing requests to: Rm. 1132, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. A copy of objections and hearing requests filed with the Hearing

Clerk may also be submitted electronically by sending electronic mail (e-mail) to: oppdocket@epamail.epa.gov.

Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail, Robert J. Taylor, Product Manager (PM 25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, 703–305–6027; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices in the Federal Register, announcing that the Monsanto Co., 700 14th St., NW., Suite #1100, Washington, DC 20005, had submitted petitions proposing to amend 40 CFR part 180 pursuant to section 408 (d) of the Federal Food, Drug, and Cosmetic (FFDCA) (21 U.S.C. 346(a), and 40 CFR part 186 under sec 409 of FFDCA (21 U.S.C. 348) by establishing regulations to permit the combined residues of the herbicide glyphosate [*N*-(phosphonomethyl)glycine] and its metabolite aminomethylphosphonic acid (AMPA) or glyphosate in or on certain raw agricultural commodities (RACs).

1. *PP 6F3408*. Published in the Federal Register of September 13, 1995 (60 FR 47578), the notice proposed establishing a regulation to permit combined residues of glyphosate and its metabolite AMPA in or on sunflowers at 0.1 ppm.

2. *PP 4F4312.* Published in the Federal Register of July 13, 1994 (59 FR 35718), the notice proposed to amend 40 CFR 180.364 by establishing a regulation to permit residues of glyphosate and its metabolite AMPA resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on alfalfa, hay at 200 ppm and alfalfa forage at 75 ppm.

3. *PP 4F4338.* Published in the Federal Register of November 2, 1994 (59 FR 54907), the notice proposed to amend 40 CFR 180.364 by establishing a regulation permitting residues of glyphosate and its metabolite AMPA resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or on citrus fruits at 0.5 ppm.

4. *PP 4F4369.* Published in the Federal Register of February 8, 1995 (60 FR 7540), the notice proposed to amend 40 CFR 180.364 by establishing a regulation to permit residues of glyphosate resulting from the application of the isopropyl amine salt of glyphosate and/or the monoammonium salt of glyphosate in or on soybean forage at 100 ppm.

5. *PP 4H5692.* Published in the Federal Register of July 13, 1994 (59 FR 35720), the notice proposed establishing a feed additive regulation to permit the combined residues of glyphosate and its metabolite aminomethylphosphonic acid (AMPA) in alfalfa meal at 400 ppm.

6. *PP 4H4701.* Published in the Federal Register of March 16, 1995 (60 FR 13979), the notice proposed to amend 40 CFR 186.3500 by establishing a feed additive regulation to permit residues of glyphosate resulting from the application of the isopropylamine salt and/or monoammonium salt of glyphosate on the feed commodity soybeans, aspirated grain fractions at 30 parts per million.

7. *PP 4H5705.* Published in the Federal Register of November 2, 1994 (59 FR 54907), the notice proposed to amend 40 CFR 185.3500 by establishing a feed additive regulation to permit residues of glyphosate and its metabolite aminomethylphosphonic acid in or on citrus pulp, dried at 1.0 ppm.

There were no comments or requests for referral to an advisory committee received in response to these notices of filing.

Subsequently, the petitioner amended several of the petitions by submitting revised Section F's. Amended filing notices were published in the Federal Register of September 13, 1995 (60 FR 47578, 79) proposing these changes.

1. *PP 4F4312.* Monsanto amended this petition by proposing that 40 CFR 180.364 be amended by removing the metabolite AMPA from the expression and by establishing a regulation to permit residues of glyphosate resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate and/or monoammonium salt of glyphosate for herbicidal and plant growth regulator purposes and/or sodium sesqui salt of glyphosate for growth regulator purposes in or on the kidney of cattle, goats, hogs, sheep, and horses at 4.0 ppm.

2. *PP 4F4338.* Monsanto amended this petition by proposing to remove the metabolite AMPA from the expression.

3. *PP 4F4369.* Monsanto amended this petition by proposing that 40 CFR 180.364 be amended by establishing a regulation to permit residues of the herbicide glyphosate resulting from the application of the isopropylamine salt of glyphosate in or on the raw agricultural commodities (RACs) soybean grain at 20 ppm, soybean forage at 100 ppm, soybean hay at 200 ppm, and soybean aspirated grain fractions at 50 ppm. These tolerances are to replace the existing tolerances for soybeans, soybean forage, soybean hay, and soybean straw.

4. *PP 4H5701.* Monsanto amended this petition by deleting the feed commodity soybean, aspirated grain fractions at 30 ppm from this expression and reproposing it as a raw agricultural commodity under PP 4F4369. Monsanto also proposed that a feed additive regulation be established permitting residues of glyphosate resulting from the application of the isopropylamine salt of glyphosate and/or the monoammonium salt of glyphosate in or the feed commodity soybean hulls at 100 ppm. This entry would replace the current entry for soybean hulls.

5. *PP 4H5705.* Monsanto amended this petition by proposing that 40 CFR part 186 be amended by establishing a regulation to permit residues of glyphosate in or on the feed commodity citrus pulp, dried at 1.5 ppm.

The Agency received one comment opposing the tolerances stated in the amended filing notices published September 13, 1995. The commenter's opposition to the tolerances was based upon toxicological concerns including the concept of ''NOEL'' (no observed effect level); the use of animal testing to represent human reaction to potentially toxic substances (pesticides); the indications of a link between pesticide exposure and Parkinson's Disease (PD).

The Agency has reviewed the comment and decided to proceed with these tolerances. The Agency, made the decision that a wide variety of toxicological studies would serve as the basis for determining if a pesticide could be requested and used without reasonable risk. It is true that animal models do not and can not predict every possible human reaction to pesticides, but the general consensus is that they

offer the best information as to what a pesticide might do to humans. Usually, the Agency requires and reviews long-term studies in rodents and non-rodents to determine a dose which causes no apparent adverse effects (NOEL). The NOEL is divided by an uncertainty factor-often at least 100- to arrive at doses or exposures that should not cause harmful effects on humans. In our regulation of pesticides, the Agency does not approve uses which will cause unreasonable adverse effects to humans or the environment.

The Agency understands that the testing of one pesticide does not predict all the possible adverse interactions with other pesticides—or for that matter other drugs or environmental pollutants. The Agency is exploring ways of testing for the interactions of pesticides having similar toxicity endpoint, but progress in that area is low.

With reference to the indications of a link between pesticide exposure and Parkinson‘s Disease, the Agency is aware that many researchers are investigating the potential reaction of pesticide exposures to chronic neurological diseases including Parkinson‘s Disease, and additional research is needed to study this important area. Available studies in humans or animals have not yet established any relationship between pesticide exposures and Parkinson‘s Disease.

During the course of the review the Agency determined that the proposed tolerance for alfalfa meal (59 FR 35720) was not necessary since the proposed tolerance on alfalfa hay will cover any residue in meal. This petition (4H5692) was withdrawn.

The filing notice for PP 6F3408 was amended by submitting a revised section F deleting the metabolite AMPA from the expression, Because this is a deletion of a metabolite not longer regulated by the Agency, there is no potential risk to humans, therefore no additional period of public comment is necessary.

The amended notice of filing for 4F4369 should have included the monoammonium salt of glyphosate in the expression. The amended notice of filing for 4H5701 should have not included reference to the salts of glyphosate. Because these corrections are a correction of wording in the expression, there is no potential increased risk to humans, therefore no additional period of public comment is necessary.

The data submitted in the petitions and other relevant material have been evaluated. The glyphosate toxicological data listed below were considered in support of these tolerances.

1. Several acute toxicology studies placing technical-grade glyphosate in Toxicity Category III and Toxicity Category IV.

2. A 1-year feeding study with dogs fed dosage levels of 0, 20, 100, and 500 milligrams/kilogram/day (mg/kg/day) with a no-observable-effect level (NOEL) of 500 mg/kg/day.

3. A 2-year carcinogenicity study in mice fed dosage levels of 0, 150, 750, and 4,500 mg/kg/day with no carcinogenic effect at the highest dose tested (HDT) of 4,500 mg/kg/day.

4. A chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 3, 10, and 31 mg/kg/day (males) and 0, 3, 11, or 34 mg/kg/day (females) with no carcinogenic effects observed under the conditions of the study at dose levels up to and including 31 mg/kg/day (HDT) (males) and 34 mg/kg/day (HDT) (females) and a systemic NOEL of 31 mg/kg/day (HDT)(males) and 34 mg/kg/day (HDT) (females). Because a maximum tolerated dose (MTD) was not reached, this study was classified as supplemental for carcinogenicity.

5. A chronic feeding/carcinogenicity study in male and female rats fed dosage levels of 0, 89, 362, and 940 mg/kg/day (males) and 0, 113, 457, and 1183 mg/kg/day (females) with no carcinogenic effects noted under the conditions of the study at dose levels up to and including 940/1183 mg/kg/day (males/females) (HDT) and a systemic NOEL of 362 mg/kg/day (males) based on an increased incidence of cataracts and lens abnormalities, decreased urinary pH, increased liver weight and increased liver weight/brain ratio (relative liver weight) at 940 mg/kg/day (males) (HDT) and 457 mg/kg/day (females) based on decreased body weight gain 1183 mg/kg/day (females) (HDT).

6. A developmental toxicity study in rats given doses of 0, 300, 1,000, and 3,500 mg/kg/day with a developmental NOEL of 1,000 mg/kg/day based on an increase in number of litters and fetuses with unossified sternebrae, and decrease in fetal body weight at 3,500 mg/kg/day, and a maternal NOEL of 1,000 mg/kg/day based on decrease in body weight gain, diarrhea, soft stools, breathing rattles, inactivity, red matter in the region of nose, mouth, forelimbs, or dorsal head, and deaths at 3,500 mg/kg/day (HDT).

7. A developmental toxicity study in rabbits given doses of 0, 75, 175, and 350 mg/kg/day with a developmental NOEL of 350 mg/kg/day (HDT); a maternal NOEL of 175 mg/kg/day based on increased incidence of soft stool, diarrhea, nasal discharge, and deaths at 350 mg/kg/day (HDT).

8. A multigeneration reproduction study with rats fed dosage levels of 0, 3, 10, and 30 mg/kg/day with a developmental NOEL of 10 mg/kg/day based on increased incidence of focal tubular dilation of the kidney (both unilateral and bilateral combined) of male F3b pups.

9. A two generation reproduction study with rats fed dosage levels of 0, 100, 500, and 1,500 mg/kg/day with a developmental NOEL of 500 mg/kg/day based on decreased pup body weight and body weight gain on lactation days 14 and 21 at 1,500 mg/kg/day (HDT), a systemic NOEL of 500 mg/kg/day based on soft stools in Fo and F1 males and females at 1500 mg/kg/day (HDT) and a reproductive NOEL of 1500 mg/kg/day (HDT).

10. Mutagenicity data included chromosomal aberration *in vitro* (no aberrations in Chinese hamster ovary cells were caused with and without S9 activation); DNA repair in rat hepatocyte; in vivo bone marrow cytogenic test in rats; rec-assay with *B. subtilis*; reverse mutation test with *S. typhimurium*; Ames test with *S. typhimurium*; and dominant-lethal mutagenicity test in mice (all negative).

The reference dose (RfD) based on a developmental study with rabbits (NOEL of 175 mg/kg/ bwt/day) and using a hundred-fold safety factor is calculated to be 2.0 mg/kg body weight/day. The theoretical maximum residue contribution (TMRC) for published tolerances and food and feed additive regulations is 0.020733 mg/kg bwt/day or 1.0 percent of the RfD for the overall U.S. population. The current actions on citrus fruits, citrus dried pulp, alfalfa, kidney of cattle, goats, hog, horses, and sheep, sunflower, and soybean forage will contribute 0.000726 mg/kg/bwt/day to the TMRC. These tolerances and the food additive regulation will utilize a total of 1.0 percent of the RfD for the overall U.S. population.

For both U.S. subgroup populations, nonnursing infants and children 1 to 6 years of age, the current action and previously established tolerances and the food additive regulation utilize, a total of 2.5 percent of the RfD, assuming that residue levels are at the established tolerance levels and that 100 percent of the crop is treated.

There are no desirable data lacking for this pesticide. There are currently no actions pending against the continued registration of this pesticide. No detectable residues of *N*-nitrosoglyphosate, a contaminant of glyphosate, are expected to be present in the commodities for which tolerances

are established. The carcinogenic potential of glyphosate was first considered by a panel, then called the Toxicology Branch AD Hoc Committee, in 1985. The Committee, in a consensus review dated March 4, 1985, classified glyphosate as a Group C carcinogen based on an increased incidence of renal tumors in male mice. The Committee also concluded that dose levels tested in the 26-month rat study were not adequate for assessment of glyphosate's carcinogenic potential in this species. These findings, along with additional information, including a reexamination of the kidney slides from the long-term mouse study, were referred to the FIFRA Scientific Advisory Panel (SAP). In its report dated February 24, 1986, SAP classified glyphosate as a Group D Carcinogen (inadequate animal evidence of carcinogenic potential). SAP concluded that, after adjusting for the greater survival in the high-dose mice compared to concurrent controls, that no statistically significant pairwise differences existed, although the trend was significant.

The SAP determined that the carcinogenic potential of glyphosate could not be determined from existing data and proposed that the rat and/or mouse studies be repeated in order to classify these equivocal findings. On reexamination of all information, the Agency classified glyphosate as a Group D Carcinogen and requested that the rat study be repeated and that a decision on the need for a repeat mouse study would be made upon completion of review of the rat study.

Upon receipt and review of the second rat chronic feeding/ carcinogenicity study, all toxicological findings for glyphosate were referred to the Health Effects Division Carcinogenicity Peer Review Committee on June 26, 1991, for discussion and evaluation of the weight of evidence on glyphosate with particular emphasis on its carcinogenic potential. The Peer Review Committee classified glyphosate as a Group E (evidence of noncarcinogenicity for humans), based upon lack of convincing carcinogenicity evidence in adequate studies in two animal species. This classification is based on the following findings: (1) None of the types of tumors observed in the studies (pancreatic islet cell adenomas in male rat, thyroid c-cell adenomas and/or carcinomas in male and female rats, hepatocellular adenomas and carcinomas in male rats, and renal tubular neoplasms in male mice) were determined to be compound related; (2) glyphosate was tested up to the limit dose on the rat and up to levels higher than the limit dose in mice; and (3) there is no evidence of genotoxicity for glyphosate. Accordingly, EPA concludes that glyphosate has not been ''found to induce cancer when ingested by man or animal.'' 21 U.S.C. 348(c)(3).

The nature of the residue in plants is adequately understood, adequate methodology (HPLC) with flurometric detection is available for enforcement purposes, and the methodology has been published in the *Pesticide Analytical Manual* (PAM), Vol. II. Any secondary residues occurring in liver of cattle, goats, horses, hogs, and sheep and liver and kidney of poultry will be covered by existing tolerances. Any secondary residues occurring in kidney of cattle, goats, hogs, horses, and sheep will be covered by the 4.0 ppm tolerances being established concurrently.

The pesticide is considered useful for the purpose for which the regulation is sought and is capable of achieving the intended physical or technical effect.

Based on the information cited above, the Agency has determined that the establishment of tolerances by amending 40 CFR part 180 will protect the public health, and the establishment of feed additive regulations by amending 40 CFR part 186 will be safe. Therefore, EPA is establishing the tolerances and feed additive regulations as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. 40 CFR 178.20. A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections. 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which the hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector. 40 CFR 178.27. A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibly that available evidence identified by the requestor would, if established, resolve one or more issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested. 40 CFR 178.32.

A record has been established for this rulemaking under docket number [PP 6F3408, 4F4312, 4F4338, 4F4369, FAP 4H5701, 4H5705/R2204] (including objections and hearing requests 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.

Written objections and hearing requests, identified by the document control number [PP 6F3804, 4F4312, 4F4338, 4F4369, FAP 4h5701, 4H5705/ R2204] may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm 3708, 401 M St SW., Washington, DC 20460. A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk 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 any objections and hearing requests 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 objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a ''significant regulatory action '' as an action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a

sector of the economy, productivity, competition,jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as ‘‘economically significant’’); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligation of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President‘s priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not ‘‘significant’’ and is therefore not subject to OMB review. Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects

40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests.

40 CFR Part 186

Environmental protection, Animal feeds, Feed additives.

Dated: March 22, 1996.

Stephen L. Johnson,

Director, Registration Division. Office of Pesticide Programs.

Therefore, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

1. In part 180:

a. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

b. In § 180.364, the table in paragraph (a) is amended by removing the entries for citrus, fruits at 0.2 ppm; soybean, straw at 200 ppm; soybeans at 20 ppm; soybeans, forage at 15 ppm; and soybeans, hay at 15 ppm; by revising the entries in the table to paragraph (b) for cattle, kidney; goats, kidney; hogs, kidney; horses, kidney; and sheep, kidney; and in paragraph (d) by adding alphabetically the raw agricultural commodities alfalfa, forage; alfalfa, hay; citrus fruits; soybeans; soybeans, grain; soybeans, forage; soybeans, hay; soybeans, aspirated grain fractions; and sunflower seed, to read as follows:

§ 180.364 Glyphosate; tolerances for residues.

* * * * *

(b) * * *

Commodity	Parts per million
* * * *	*
Cattle, kidney	4.0
* * * *	*
Goats, kidney	4.0
Hogs, kidney	4.0
* * * *	*
Horses, kidney	4.0
* * * *	*
Sheep, kidney	4.0
* * * *	*

* * * * *

(d) * * *

Commodity	Parts per million
* * * *	*
Alfalfa, forage	75.0
Alfalfa, hay	200.0
* * * *	*
Citrus, fruits	0.5
Soybeans	20.0
Soybeans, grain	20.0
Soybeans, aspirated grain fractions	50.0
Soybeans, forage	100.0
Soybeans, hay	200.0
Sunflower seed	0.1
* * * *	*

2. In part 186:

PART 186—[AMENDED]

a. The authority citation for part 186 continues to read as follows;

Authority: 21 U.S.C. 348.

b. In § 186.3500 by removing from the table in paragraph (a) the entries for citrus pulp, dried and soybean, hulls, and by adding new paragraph (b), to read as follows:

§ 186.3500 Glyphosate.

* * * * *

(b) A feed additive regulation is established permitting residues of glyphosate (*N*-(phosphonomethyl)glycine) in or on the following feed commodities.

Commodity	Parts per million
Citrus pulp, dried	1.5
Soybean, hulls	100.0

[FR Doc. 96–8142 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–F

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1604 and 1652

RIN 3206–AG30

Federal Employees Health Benefits Acquisition Regulation; Filing Health Benefit Claims; Addition of Contract Clause

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to add a new contract clause in part 1652 of the Federal Employees Health Benefits Acquisition Regulation (FEHBAR). The clause clarifies for both FEHB carriers and covered individuals the circumstances under which OPM may render a decision regarding a covered individual who asks OPM to review a health benefits plan's denial of a claim if the plan has either affirmed its denial when the covered individual requested reconsideration, or failed to respond to the covered individual's request for reconsideration as provided by OPM's regulations. The clause further clarifies the circumstances under which claimants may seek court review of benefit denials under the FEHB Program. The purpose of these final regulations is to specify that covered individuals who wish to bring legal action regarding a denial of an FEHB benefit must pursue such claim against OPM. Further, the regulations clarify the administrative review process that must precede legal action in the courts.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Margaret Sears, (202) 606–0004.

SUPPLEMENTARY INFORMATION: On March 29, 1995, OPM published interim regulations in the Federal Register (60 FR 16056) that require individuals who want to bring suit concerning the denial of their health benefits claims to bring

such suits against OPM instead of the health benefits carrier, as had been the case previously. The interim regulations also clarified the administrative review procedures that must precede legal action in the courts, the circumstances under which suits may be brought against OPM, and that the court's review is limited to the record that was before OPM when it made its decision.

OPM received 11 comments on the interim regulations. Three commenters suggested that we amend the regulations to clarify that the regulations apply to providers to whom the covered individual has assigned the right to pursue the claim. We have not accepted this suggestion because the right of access to the disputed claim process belongs to the covered individual. We have amended the interim regulations to clarify that another person or entity, whether or not a provider, can gain access to the disputed claims process only when acting on behalf of the covered individual and with the covered individual's specific written consent.

Two commenters thought that the one-year period for initiating the disputed claims process was too long. They suggested a 90-day period instead. The one-year period has been OPM's policy since the disputed claims process was created in 1975. However, we believe that the period can now be reduced to 6 months if there are sufficient safeguards to protect the interests of individuals who, because of medical problems or for other reasons are unable to request reconsideration within the 6 months time limit. Therefore, we are modifying the regulations to require that covered individuals who want to ask the plan to reconsider its denial must do so within 6 months after the denial unless the covered individual shows that he or she was prevented by a cause beyond his or her control from making the request within that time period. In addition, we are adding a provision to allow OPM to reopen a decision it made concerning a disputed claim if it receives evidence that was unavailable at the time OPM made its decision.

Two commenters said that the amount of time carriers have to respond to requests for reconsideration—30 days—is too short, especially when the issue is medical necessity. They suggested that the carriers be allowed 45 days, with the option to extend the period for an additional 30 days, if necessary. They further suggested that the carriers be given 45 days rather than 30 to review additional information received from the covered individual or provider. In both cases, the 30-day period has been in place for a number of years and has been working well enough that we believe that extending the time period to 45 days would unnecessarily lengthen the time required to complete the disputed claims process. Therefore, we have not accepted these suggestions.

Two commenters said that the time period for seeking judicial review should be tied to the date the covered individual receives OPM's decision rather than the date the care or service was provided. One commenter supported the provision basing the time limit on the date the care or service was provided and asked us not to change it. The interim regulations provide that legal action on a disputed claim may not be brought later than December 31 of the 3rd year after the year in which the care or service was provided. After considering these three comments we have decided not to modify our regulations at this time. This timeframe reflects our brochure language over the past several years. It is our experience that this timeframe works well; however, we will continue to monitor all timeframes in these regulations and make changes as warranted.

Four commenters suggested that the regulations should explicitly state that court actions are not to be brought against a carrier or a carrier's subcontractors. One commenter suggested that we amend the regulations to state that the carrier is an indispensable party to the lawsuit. After considering these five comments, we have modified the regulations to specify that court action is not to be brought against the carrier or the carrier's subcontractors. Since it is OPM's decision, not the carrier's, that is being contested, it is appropriate that OPM, rather than the carriers, be the focus of lawsuits related to denial of benefits.

Two commenters said that the interim regulations should be set aside because they adversely affect the covered individual's right (1) of access to State courts, (2) to seek monetary compensation for damages, (3) under State law to require insurer to prove that notice was given concerning changes in benefits and that contract language is clear, (4) to have the option to go to court without seeking OPM review, (5) to present evidence that OPM did not have when it made its determination, and (6) to seek an expedited ruling by the court when life or health is at issue. OPM's regulations have never offered such ''rights.'' The interim regulations simply clarified that these opportunities are not available to covered individuals under the FEHB program. The FEHB law includes a provision specifically stating that the FEHB contract provisions that relate to the extent of coverage or benefits supersede and preempt any State law that relates to health insurance or plans to the extent that such law is inconsistent with FEHB contractual provisions. Therefore, we believe the interim regulations accurately reflect the intent of the FEHB law. Further, it has been OPM's policy, and will continue to be OPM's policy, to expedite the dispute resolution process when there are issues of life and health at stake. Premature involvement of the courts at such time is unnecessary. The only real change made by the interim regulations was which party to the FEHB contracts should be named in a suit.

Two commenters said that the interim regulations should be set aside because they violated the Administrative Procedure Act in that they became effective before completing a comment period. The interim regulations were promulgated to provide immediate guidance and information to alleviate any burden on the FEHB enrollees in cases of possible litigation. It was OPM's view that immediate implementation of regulations that clarify and more fully explain the proper judicial review of an OPM decision sustaining a health benefit plan's denial of coverage would minimize unnecessary litigation and uncertainty. Thus, the interim regulations were intended to more clearly specify a review procedure that sometimes appeared to be unclear and was not always applied consistently.

One commenter inquired whether the interim regulations removed a restriction so that there was good cause for issuing them in this form. It was OPM's view that the interim regulations remove the restriction requiring that enrollees sue a health benefits carrier when contesting an OPM decision that affirmed the carrier's determination that the benefit is not covered under the carrier's plan. Previously, enrollees could not bring suit against OPM directly even though they ultimately were contesting OPM's decision.

One commenter asserted that the regulations should specify that they have no impact on an individual's rights under the Federal Sector Equal Employment Opportunity rule set forth in 29 CFR Part 1614. That is, individuals who believe they have been discriminated against in regard to insurance benefits because of disability or another protected basis are not required to pursue or exhaust the administrative remedy provided by these regulations before pursuing their rights under 29 CFR Part 1614. Since OPM has no authority concerning the provisions of title 29 of the Code of

Federal Regulations, it would not be appropriate to address an individual's rights under title 29 in this contract clause. Instead, the circumstances under which one may access remedies related to title 29 should be included in title 29.

One commenter felt that the interim regulations do not expressly prescribe time limits when the carrier fails to make its decision within 60 days after requesting, but not receiving, information from the covered individual. We have modified the regulations to clarify that this circumstance is included in the administrative process.

One commenter objected to the requirement that the claimants must express their reasons in terms of the brochure provisions because enrollees sometimes do not have brochures. Since a dispute about a claim must be based on whether or not the claim was payable under the FEHB contract and the brochure sets forth the contract provisions, individuals need a brochure in order to know whether they have a dispute. They also need a brochure to obtain information on the procedures for disputing carriers' denials of claims. Further, brochures are easily obtainable from the plan. We find that this requirement is important in encouraging the individual to express his or her reasons in a manner that will facilitate a successful result when there is a valid dispute.

Two commenters suggested that the regulations be revised to require that OPM's decision contain a notice of the covered individual's right to bring suit. We are not adopting that suggestion because we are adding that information to the brochures. The brochures will give complete information about the disputed claims process from the initial request to the carrier for reconsideration through the requirements for bringing suit when OPM concurs with the carrier's reconsideration decision to deny the claim.

We have also modified paragraph (g)(3) of the clause to clarify that recovery in the FEHB Program is accomplished through a directive from OPM to the carrier to make payment according to the court's order.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation merely incorporates administrative procedures and regulatory requirements into FEHB contracts.

List of Subjects in 48 CFR Parts 1604 and 1652

Government employees, Government procurement, Health insurance.

Office of Personnel Management.
James B. King,
Director.

Accordingly, OPM is amending 48 CFR chapter 16 as follows:

PART 1604—ADMINISTRATIVE MATTERS

1. The authority citation for parts 1604 and 1652 continue to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

2. In part 1604; subpart 1604.71 is adopted as final and republished to read as follows:

Subpart 1604.71—Disputed Health Benefit Claims

§ 1604.7101 Filing Health Benefit Claims/Court Review of Disputed Claims.

Guidelines for a Federal Employees Health Benefit (FEHB) Program covered individual to file a claim for payment or service and for legal actions on disputed health benefit claims are found at 5 CFR 890.105 and 890.107, respectively. The contract clause at 1652.204–72 of this chapter, reflecting this guidance, must be inserted in all FEHB Program contracts.

PART 1652—CONTRACT CLAUSES

3. In subpart 1652.2, section 1652.204–72 is revised and adopted as final to read as follows:

Subpart 1652.2—Texts of FEHBP Clauses

§ 1652.204–72 Filing Health Benefit Claims/Court Review of Disputed Claims.

As prescribed in 1604.7101 of this chapter, the following clause must be inserted in all FEHB Program contracts.

Filing Health Benefit Claims/Court Review of Disputed Claims

(a) *General.* (1) The Carrier resolves claims filed under the Plan. All health benefit claims must be submitted initially to the Carrier. If the Carrier denies a claim (or a portion of a claim), the covered individual may ask the Carrier to reconsider its denial. If the Carrier affirms its denial or fails to respond as required by paragraph (b) of this clause, the covered individual may ask OPM to review the claim. A covered individual must exhaust both the Carrier and OPM review processes specified in this clause before seeking judicial review of the denied claim.

(2) This clause applies to covered individuals and to other individuals or entities who are acting on the behalf of a covered individual and who have the covered individual's specific written consent to pursue payment of the disputed claim.

(b) Time limits for reconsidering a claim. (1) The covered individual has 6 months from the date of the notice to the covered individual that a claim (or a portion of a claim) was denied by the Carrier in which to submit a written request for reconsideration to the Carrier. The time limit for requesting reconsideration may be extended when the covered individual shows that he or she was prevented by circumstances beyond his or her control from making the request within the time limit.

(2) The Carrier has 30 days after the date of receipt of a timely-filed request for reconsideration to:

(i) Affirm the denial in writing to the covered individual;

(ii) Pay the bill or provide the service; or

(iii) Request from the covered individual or provider additional information needed to make a decision on the claim. The Carrier must simultaneously notify the covered individual of the information requested if it requests additional information from a provider. The Carrier has 30 days after the date the information is received to affirm the denial in writing to the covered individual or pay the bill or provide the service. The Carrier must make its decision based on the evidence it has if the covered individual or provider does not respond within 60 days after the date of the Carrier's notice requesting additional information. The Carrier must then send written notice to the covered individual of its decision on the claim. The covered individual may request OPM review as provided in paragraph (b)(3) of this clause if the Carrier fails to act within the time limit set forth in this paragraph.

(3) The covered individual may write to OPM and request that OPM review the Carrier's decision if the Carrier either affirms its denial of a claim or fails to respond to a covered individual's written request for reconsideration within the time limit set forth in paragraph (b)(2) of this clause. The covered individual must submit the request for OPM review within the time limit specified in paragraph (e)(1) of this clause.

(4) The Carrier may extend the time limit for a covered individual's submission of additional information to the Carrier when the covered individual shows he or she was not notified of the time limit or was prevented by circumstances beyond his or her control from submitting the additional information.

(c) *Information required to process requests for reconsideration.* (1) The covered individual must put the request to the Carrier to reconsider a claim in writing and give the reasons, in terms of applicable brochure provisions, that the denied claim should have been approved.

(2) If the Carrier needs additional information from the covered individual to make a decision, it must:

(i) Specifically identify the information needed;

(ii) State the reason the information is required to make a decision on the claim;

(iii) Specify the time limit (60 days after the date of the Carrier's request) for submitting the information; and

(iv) State the consequences of failure to respond within the time limit specified, as set out in paragraph (b)(2) of this section.

(d) *Carrier determinations.* The Carrier must provide written notice to the covered individual of its determination. If the Carrier affirms the initial denial, the notice must inform the covered individual of:

(1) The specific and detailed reasons for the denial;

(2) The covered individual's right to request a review by OPM; and

(3) The requirement that requests for OPM review must be received within 90 days after the date of the Carrier's denial notice and include a copy of the denial notice as well as documents to support the covered individual's position.

(e) *OPM review.* (1) If the covered individual seeks further review of the denied claim, the covered individual must make a request to OPM to review the Carrier's decision. Such a request to OPM must be made:

(i) Within 90 days after the date of the Carrier's notice to the covered individual that the denial was affirmed; or

(ii) If the Carrier fails to respond to the covered individual as provided in paragraph (b)(2) of this clause, within 120 days after the date of the covered individual's timely request for reconsideration by the Carrier; or

(iii) Within 120 days after the date the Carrier requests additional information from the covered individual, or the date the covered individual is notified that the Carrier is requesting additional information from a provider. OPM may extend the time limit for a covered individual's request for OPM review when the covered individual shows he or she was not notified of the time limit or was prevented by circumstances beyond his or her control from submitting the request for OPM review within the time limit.

(2) In reviewing a claim denied by the Carrier, OPM may:

(i) Request that the covered individual submit additional information;

(ii) Obtain an advisory opinion from an independent physician;

(iii) Obtain any other information as may in its judgment be required to make a determination; or

(iv) Make its decision based solely on the information the covered individual provided with his or her request for review.

(3) When OPM requests information from the Carrier, the Carrier must release the information within 30 days after the date of OPM's written request unless a different time limit is specified by OPM in its request.

(4) Within 90 days after receipt of the request for review, OPM will either:

(i) Give a written notice of its decision to the covered individual and the Carrier; or

(ii) Notify the individual of the status of the review. If OPM does not receive requested evidence within 15 days after expiration of the applicable time limit in paragraph (e)(3) of this clause, OPM may make its decision based solely on information available to it at that time and give a written notice of its decision to the covered individual and to the Carrier.

(f) OPM, upon its own motion, may reopen its review if it receives evidence that was unavailable at the time of its original decision.

(g) *Court review.* (1) A suit to compel enrollment under § 890.102 of Title 5, Code of Federal Regulations, must be brought against the employing office that made the enrollment decision.

(2) A suit to review the legality of OPM's regulations under this part must be brought against the Office of Personnel Management.

(3) Federal Employees Health Benefits (FEHB) carriers resolve FEHB claims under authority of Federal statute (chapter 89, title 5, United States Code). A covered individual may seek judicial review of OPM's final action on the denial of a health benefits claim. A legal action to review final action by OPM involving such denial of health benefits must be brought against OPM and not against the Carrier or the Carrier's subcontractors. The recovery in such a suit shall be limited to a court order directing OPM to require the Carrier to pay the amount of benefits in dispute.

(4) An action under paragraph (3) of this clause to recover on a claim for health benefits:

(i) May not be brought prior to exhaustion of the administrative remedies provided in paragraphs (a) through (f) of this clause;

(ii) May not be brought later than December 31 of the 3rd year after the year in which the care or service was provided; and

(iii) Will be limited to the record that was before OPM when it rendered its decision affirming the Carrier's denial of benefits.

(End of Clause)

[FR Doc. 96–8372 Filed 4–4–96; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 625

[Docket No. 951116270–5308–02; I.D. 031296B]

Summer Flounder Fishery; Adjustments to 1996 State Quotas

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

ACTION: Commercial quota adjustment.

SUMMARY: NMFS announces adjustments to the commercial quota for the 1996 summer flounder fishery. This action complies with regulations implementing the Fishery Management Plan for the Summer Flounder Fishery (FMP), which require that annual quota overages landed in any state be deducted from that state's quota for the following year. The public is advised that a quota adjustment has been made and is informed of the revised state quotas. The Director, Northeast Region, NMFS (Regional Director), has also determined that there is no Federal summer flounder quota available for those coastal states that did not receive a portion of the annual commercial summer flounder quota. Vessels issued a Federal moratorium permit for the summer flounder fishery may not land summer flounder in these states.

EFFECTIVE DATE: April 4, 1996, through December 31, 1996.

FOR FURTHER INFORMATION CONTACT: David Gouveia, 508–281–9280.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 2 to the FMP are found at 50 CFR part 625 (December 4, 1992, 57 FR 57358). The regulations require annual specification of a commercial quota that is apportioned among the Atlantic coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state is described in § 625.20. Amendment 7 to the FMP (November 24, 1995, 60 FR 57955) revised the fishing mortality rate reduction schedule for summer flounder, and the revised schedule was the basis for establishing the 1996 quota. The commercial summer flounder quota for the 1996 calendar year, adopted to ensure achievement of the appropriate fishing mortality rate of 0.41 for 1996, is set to equal 11,111,298 lb (5.0 million kg) (January 4, 1996, 61 FR 291). The notification of a commercial quota transfer from the State of North Carolina to the Commonwealth of Virginia was published on March 13, 1996 (61 FR 10286). This quota transfer is reflected in Table 1.

Section 625.20(d)(2) provides that all landings for sale in a state shall be applied against that state's annual commercial quota. Any landings in excess of the state's quota will be deducted from that state's annual quota for the following year. Based on dealer reports and other available information, NMFS has determined that the States of Massachusetts, Rhode Island, New York, Delaware, and Virginia have exceeded their 1995 quotas. The remaining States of Maine, New Hampshire, Connecticut, New Jersey, Maryland, and North Carolina did not exceed their 1995 quotas. A complete summary of quota adjustments for 1996 is in Table 1.

TABLE 1.—ADJUSTED 1996 COMMERCIAL QUOTA FOR THE SUMMER FLOUNDER FISHERY

	1995 Quota (lb)	1995 Landings (lb)	1995 Overage (lb)	Initial 1996 quota (lb)	Adjusted 1996 quota	
					(lb)	(kg)
ME	6,987	5,318		5,284	5,284	2,397
NH	67			51	51	23
MA	1,122,246	1,127,995	5,749	757,841	752,092	341,143
RI	2,243,224	2,365,465	122,241	1,742,583	1,620,342	734,975
CT	331,574	306,404		250,791	250,791	113,757
NY	1,243,374	1,248,078	4,704	849,680	844,976	383,275
NJ	2,306,198	2,298,303		1,858,363	1,858,363	842,939
DE	2,614	3,072	458	1,977	1,519	689
MD	199,551	136,167		226,570	226,570	102,770
VA	3,182,177	3,355,838	173,661	2,374,342	2,200,681	998,212
NC	3,974,018	3,967,291		3,043,816	3,043,816	1,380,652

This notification also announces the Regional Director's determination that no quota is available for those coastal states that did not receive a distribution from the annual commercial summer flounder quota. The Regional Director's determination triggers the summer flounder moratorium permit condition that owners of federally permitted vessels agree not to land summer flounder in any state that did not receive any part of the annual commercial summer flounder quota. The purpose of this condition is to aid in maintaining the integrity of the overall quota, which is set to achieve a specific mortality reduction goal, as state quotas are filled.

Historically, measurable landings of summer flounder have occurred only in those coastal states from North Carolina northward to Maine. These are the states that have received distributions from the annual commercial summer flounder quota. Recent reports, however, indicate that harvesters intend to land summer flounder in other states, such as South Carolina, in response to the closures of Virginia and North Carolina to landings of summer flounder. States other than those specified in Table 1 do not have any available summer flounder quota, because they did not receive a share of the annual commercial quota. Therefore, vessels with a Federal summer flounder moratorium permit may not land summer flounder in these states.

This notification serves to trigger the permit condition that prevents vessels that are issued a Federal summer flounder moratorium permit from landing summer flounder in any state that has no commercial summer flounder quota.

Classification

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

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

Dated: March 27, 1996.

Richard W. Surdi,

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

[FR Doc. 96–7994 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–22–W

Proposed Rules

Federal Register
Vol. 61, No. 67
Friday, April 5, 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 AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 330

9 CFR Part 94

[Docket No. 93–037–1]

Garbage; Disposal by Cruise Ships in Landfills at Alaskan Ports

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations that apply to garbage that can introduce diseases or pests of livestock, poultry, or plants. The amendment would allow cruise ships to dispose of garbage in landfills at certain Alaskan ports. This would apply only to cruise ships that do not have prohibited or restricted meat or animal products in the vessel stores. This amendment to the regulations would reduce the cost of disposing of cruise ship garbage at Alaskan ports, while continuing to help prevent the spread of plant pests and livestock and poultry diseases into or within the United States.

DATES: Consideration will be given only to comments received on or before June 4, 1996.

ADDRESSES: Please send an original and three copies of your comments to Docket No. 93–037–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 93–037–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are requested to call ahead on (202) 690–2817 to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald B. Caffey, Assistant to the Deputy Administrator, Veterinary Medical Office, PPQ, APHIS, Suite 4C03, 4700 River Road Unit 129, Riverdale, MD 20737–1236, (301) 734–7633.

SUPPLEMENTARY INFORMATION:

Background

Our regulations concerning garbage are contained in 7 CFR 330.400 and 9 CFR 94.5 (referred to below as ''the regulations''). The regulations in 7 CFR 330.400 are intended to prevent the dissemination of plant pests and diseases. The regulations in 9 CFR 94.5 are intended to prevent the dissemination of animal diseases.

Garbage is defined in § 330.400(b) and § 94.5(a) as all waste material that is derived in whole or in part from fruits, vegetables, meats, or other plant or animal (including poultry) material, and other refuse of any character whatsoever that has been associated with any such material on board any means of conveyance, and including food scraps, table refuse, galley refuse, food wrappers or packaging materials, and other waste material from stores, food preparation areas, passengers' or crews' quarters, dining rooms, or any other areas on means of conveyance. Garbage also means meals and other food that were available for consumption by passengers and crew on an aircraft but were not consumed.

Certain garbage is regulated under our regulations. There are three categories of regulated garbage: (1) Garbage that is on or removed from a means of conveyance if, at the time the garbage is on or removed from the means of conveyance, the means of conveyance has been in any port outside the continental United States and Canada within the previous 2-year period (see §§ 330.400(c) and 94.5(b) for definition; see §§ 330.400(c)(1) and (c)(2) and §§ 94.5(b)(1) and (b)(2) for exceptions); (2) garbage that is on or removed from a means of conveyance if, at the time the garbage is on or removed from the means of conveyance, the means of conveyance has moved during the previous 1-year period, either directly or indirectly, to the continental United States from any territory or possession or from Hawaii; to any territory or possession from any other territory or possession or from Hawaii; or to Hawaii from any territory or possession (see §§ 330.400(d) and 94.5(c) for definition; see §§ 330.400(d)(2) and 94.5(c)(2) for exceptions); and (3) garbage that is commingled with regulated garbage (see §§ 330.400(e) and 94.5(d)).

Under our regulations, regulated garbage must be stored in tight, leak-proof, covered receptacles on board a means of conveyance while the means of conveyance is in the territorial waters or while otherwise within the territory of the United States. Also, regulated garbage must be removed from the means of conveyance in tight, leak-proof receptacles under the direction of an Animal and Plant Health Inspection Service (APHIS) inspector to an approved facility for incineration, sterilization, or grinding into an approved sewage system, under supervision of an APHIS inspector. Regulated garbage may be removed for other handling in a manner and under such supervision as the Administrator, APHIS, may approve in specific cases. Other handling is approved only if it complies with the applicable laws for environmental protection and is adequate to prevent the dissemination of plant pests and livestock or poultry diseases into or within the United States. (See §§ 330.400(g)(1) and 94.5(f)(1).)

Garbage can also be disposed of outside the territorial limits of the United States by dumping or in on-board incinerators, sterilizers, or grinders. However, as explained elsewhere in this document, these methods are limited to certain situations and are often impractical.

Cruise ships that sail between Alaskan ports currently dispose of their garbage in landfills at Alaskan ports. The Administrator has approved this alternate disposal method because we believe the garbage would pose no disease risk to livestock or crops in the United States.

Disposing of garbage on the high seas, or by using on-board incinerators or grinders was and is impractical for cruise ships operating off the west coast of Alaska and Canada. The International Convention on the Prevention of Pollution from Ships at Sea, Annex V, ratified by the United States in 1988, prohibits dumping any plastics into the ocean. To dispose of garbage, all plastics must be separated from the rest of the garbage and retained on board the vessel

for separate disposal. This is not practical for most cruise ships. Using on-board garbage grinders is also impossible, because cruise ships along the west coast of Alaska remain in United States and Canadian territorial waters, and both the United States and Canada prohibit use of on-board grinders within their territorial waters. Using on-board garbage incinerators is also usually impractical for cruise ships, because on-board incinerators are usually small units, not intended for disposing of all of a ship's garbage. In addition, on-board incinerators can only be used when on-board odors are not a problem.

Cruise ships usually dispose of regulated garbage by off-loading and incinerating or sterilizing it. Prior to 1991, Alaska had no approved incinerators or sterilizers that could be used by cruise ships. There was a small incinerator at Anchorage, but it was available and used only for disposal of aircraft garbage. There are no facilities in Alaska suitable for sterilizing maritime garbage. Grinding garbage into an approved sewage system is also listed in our regulations as an approved method of disposing of regulated garbage. However, there are no sewage systems in Alaska approved for the disposal of maritime garbage.

In 1991 an incinerator in Juneau, Alaska, was approved for disposal of regulated maritime garbage. Because of the availability of this facility, in early 1992 APHIS notified all cruise lines operating vessels in Alaskan waters that regulated garbage would thereafter have to be disposed of in accordance with the regulations. APHIS specifically informed cruise lines that disposal of cruise ship garbage in landfills at Alaskan ports would no longer be allowed.

The cruise lines questioned the need for and practicality of our policy changes and said they did not have enough time to prepare for the policy change before the next cruise season began. After discussions with representatives of the cruise lines, APHIS agreed verbally in 1992 to temporarily withdraw the policy change. APHIS and cruise line representatives also agreed that APHIS would conduct a risk assessment of the situation. If the risk assessment was positive—that is, if disposing of regulated garbage from cruise ships in landfills at Alaskan ports presented a risk to livestock or crops in the United States—then cruise ships would have to comply with the regulations. In the mean time, APHIS agreed that cruise ships could continue to dispose of regulated garbage in landfills at Alaskan ports, provided that the ships have no meat or animal products on board that are prohibited or restricted under the regulations in 9 CFR part 94. These meats and animal products are prohibited or restricted in order to prevent the possible spread into the United States of various diseases of livestock and poultry, including foot-and-mouth disease.

APHIS has completed an assessment of the pest and disease risks posed by this situation. The risk assessment was limited to regulated garbage that was removed from cruise ships operating in waters off the west coast of Alaska and Canada and disposed of in landfills at Alaskan ports. These ships did not have any prohibited or restricted meat or animal products on board at the time the cruise ships entered Alaskan waters. The results of the study were that there is no undue risk of animal or plant disease or pest introduction.

The ecology, wildlife, and agriculture of Alaska are vastly different from the 48 contiguous States. No plant diseases or pests have been identified as posing any risk in Alaska. This is because no plant pest or disease of concern can survive the Alaskan climate. APHIS identified foot-and-mouth disease (FMD) as the livestock disease of greatest risk in Alaska. Ruminants and swine are the animal species at risk for FMD. At-risk animals could be infected by exposure to garbage in landfills.

Requiring cruise ships to have no prohibited or restricted meat or animal products on board at the time they enter Alaskan waters minimizes any possibility that infectious materials would be disposed of in landfills. The nature of agriculture and wildlife in Alaska minimizes the possibility of animals being exposed to landfill garbage. In Alaska, there are no wild swine, and very few herds of domestic swine. There are many wild ruminants, such as deer, elk, and moose. However, there are very few herds of domestic sheep, goats, and cattle. None of the herds of domestic livestock are located near landfills where cruise ship garbage is buried. Domestic Alaskan livestock are therefore unlikely to be exposed to garbage disposed of in landfills. Wild ruminants could be exposed to landfill garbage. However, ruminants do not normally ''graze'' on landfills. In addition, experts do not believe wild ruminant populations would sustain an FMD infection without being continually exposed to infected domestic animals. In Alaska, any FMD infection within the wild ruminant population would therefore die out before it could present a threat to livestock. Under these circumstances, any outbreak of FMD could be easily contained and eradicated.

Based on this risk assessment, we have determined that continuing to allow regulated garbage from cruise ships to be disposed of in Alaskan landfills would not present any significant pest or disease risk as long as the cruise ships do not have meat or animal products on board that are restricted or prohibited under the regulations in 9 CFR part 94. This amendment would also apply only to cruise ships that remain in Alaskan or Canadian waters for the entire cruise season. We are therefore proposing to amend 7 CFR 300.400(g)(1) and 9 CFR 94.5(f)(1) to reflect this determination. Cargo ships and other conveyances, including cruise ships that do not comply with these requirements, would continue to be required to follow existing regulations in 7 CFR 330.400 and 9 CFR 94.5.

Under our proposed regulations, only cruise ships meeting certain requirements would be allowed to dispose of regulated garbage in landfills at Alaskan ports. Qualifying cruise ships would be prohibited from having prohibited or restricted meat or animal products on board at the time they enter Alaskan waters for the cruise season. Cruise ships would be inspected by APHIS inspectors at the beginning of each cruise season (approximately mid-May, depending on weather conditions). Many types of meat and animal products are prohibited or restricted under the regulations in 9 CFR part 94, in order to prevent the spread into the United States of various diseases of livestock and poultry. Among the meats and other products prohibited or restricted under 9 CFR part 94 are fresh, chilled, and frozen meat of ruminants and swine that originate in any country where rinderpest or FMD exists. Countries where rinderpest or FMD exists are listed in § 94.1(a) of those regulations. Neither rinderpest nor FMD exists in Canada or in the United States. Prohibiting cruise ships from having prohibited or restricted meat or animal products on board would prevent the possible spread of livestock and poultry diseases into the United States.

Qualifying cruise ships would also be required to remain in Alaskan or Canadian waters for the entire cruise season. This would preclude any possibility of prohibited or restricted meat or animal products being brought on board the vessel.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule

has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

There is a shortage of incinerators and sterilizers accessible to cruise ships in Alaska. Incinerators are now available to dispose of regulated maritime garbage only at Juneau, Ketchikan and Sitka. Sterilizers to dispose of maritime garbage are not available. Further, it is impractical for cruise ships to dispose of all regulated garbage in on-board incinerators or grinders, or by dumping on the high seas.

During the period when cruise ship garbage is incinerated, the total volume of garbage is too great for all of the garbage to be incinerated. We are, therefore, currently allowing certain cruise ships to dispose of regulated garbage in landfills at Alaskan ports. These are ships which have no prohibited or restricted meat or animal products on board at the time they enter Alaskan waters, and which remain in Alaskan or Canadian waters during the entire cruise season. Therefore, if this proposed rule is adopted, no major change in current practice would be required.

Allowing for the continued use of landfills would have a beneficial economic impact on cruise ships, as landfill disposal is less expensive than incineration. Our information indicates that none of the cruise ships that would be affected by this proposed rule are U.S.-owned and none would be classified as ''small'' entities (defined as having fewer than 500 employees, according to Small Business Administration (SBA) size criteria.)

We also foresee no economic impact on incinerator or landfill owners. Because the proposed amendments to the regulations only bring the regulations into conformance with current practices, there should be no impact of any kind on incinerator or landfill operations.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

The alternatives to this proposed rule would be to take no action or to prohibit disposal of all cruise ship garbage in landfills at Alaskan ports. We do not consider prohibiting such garbage disposal a reasonable alternative. Prohibiting such garbage disposal would disrupt industry operations without any salutary effect on disease or pest risk. We also do not consider doing nothing a reasonable alternative. Doing nothing would continue the informal requirements which are now in effect without giving notice to the public.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this proposed rule. The assessment provides a basis for the conclusion that the disposal, in landfills at Alaskan ports, of garbage from cruise ships under the conditions specified in this proposed rule would not present a risk of introducing or disseminating plant or animal diseases or pests and would not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 330

Customs duties and inspections, Imports, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

9 CFR Part 94

Animal diseases, Imports, Livestock, Meat and meat products, Milk, Poultry and poultry products, Reporting and recordkeeping requirements.

Accordingly, 7 CFR part 330 and 9 CFR part 94 would be amended as follows:

PART 330—FEDERAL PLANT PEST REGULATIONS; GENERAL; PLANT PESTS; SOIL, STONE, AND QUARRY PRODUCTS; GARBAGE

1. The authority citation for part 330 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150bb, 150dd–150ff, 161, 162, 164a, 450, 2260; 19 U.S.C. 1306; 21 U.S.C. 111, 114a; 136 and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, 4332; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 330.400, paragraph (g)(1), a new sentence would be added at the end of the paragraph to read as follows:

§ 330.400 Regulation of certain garbage.

* * * * *

(g)(1) * * * *Provided that,* cruise ships may dispose of regulated garbage in landfills at Alaskan ports if the cruise ships do not have prohibited or restricted meat or animal products on board at the time they enter Alaskan waters for the cruise season, and if the cruise ships remain in Alaskan or Canadian waters for the entire cruise season.

* * * * *

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), VELOGENIC VISCEROTROPIC NEWCASTLE DISEASE, AFRICAN SWINE FEVER, HOG CHOLERA, AND BOVINE SPONGIFORM ENCEPHALOPATHY: PROHIBITED AND RESTRICTED IMPORTATIONS

3. The authority citation for part 94 would continue to read as follows:

Authority: 7 U.S.C. 147a, 150ee, 161, 162, and 450; 19 U.S.C. 1306; 21 U.S.C. 111, 114a, 134a, 134b, 134c, 134f, 136, and 136a; 31 U.S.C. 9701; 42 U.S.C. 4331, and 4332; 7 CFR 2.22, 2.80, and 371.2(d).

4. In § 94.5, paragraph (f)(1), a new sentence would be added at the end of the paragraph to read as follows:

§ 94.5 Regulation of certain garbage.

* * * * *

(f)(1) * * * *Provided that,* cruise ships may dispose of regulated garbage in landfills at Alaskan ports if the cruise ships do not have prohibited or restricted meat or animal products on board at the time they enter Alaskan waters for the cruise season, and if the cruise ships remain in Alaskan or Canadian waters for the entire cruise season.

* * * * *

Done in Washington, DC, this 2nd day of April 1996.

Lonnie J. King,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 96–8472 Filed 4–4–96; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[FI–47–92]

RIN 1545–AR76

Reissuance of Mortgage Credit Certificates; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to implementing a provision of the Tax Reform Act of 1984 permitting the reissuance of mortgage credit certificates.

DATES: The public hearing will be held on Wednesday, May 22, 1996, beginning at 10:00 a.m. Requests to speak and outlines of oral comments must be received by Wednesday, May 1, 1996.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Commissioner's Conference Room, Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20044. Requests to speak and outlines of oral comments should be mailed to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:DOM:CORP:R [FI–47–92], Room 5228, Washington, D.C., 20044.

FOR FURTHER INFORMATION CONTACT: Evangelista Lee of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–8452 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Income Tax Regulations under section 25 of the Internal Revenue Code. The proposed regulations appeared in the Federal Register for Wednesday, December 22, 1993 (58 FR 67745).

The rules of § 601.601(a)(3) of the ''Statement of Procedural Rules'' (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Wednesday, May 1, 1996, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answer thereto.

Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

Cynthia E. Grigsby,

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

[FR Doc. 96–8460 Filed 4–4–96; 8:45 am]

BILLING CODE 4830–01–U

26 CFR Part 1

[EE–53–95]

RIN 1545–AT95

Requirements for Tax Exempt Section 501(c)(5) Organizations; Hearing

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of public hearing on proposed rulemaking.

SUMMARY: This document announces a hearing on proposed regulations, published on December 21, 1995, which clarify requirements of section 501(c)(5) to provide needed guidance to organizations as to the requirements an organization must meet in order to be exempt from tax.

DATES: The public hearing will be held on Wednesday, June 5, 1996, beginning at 10:00 a.m. Requests to speak and outlines of oral comments must be received by Wednesday, May 15, 1996.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Commissioner's Conference Room, Room 3313, Internal Revenue Building, 1111 Constitution Avenue, N.W., Washington, D.C. 20044. Requests to speak and outlines of oral comments should be mailed to the Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:DOM:CORP:R [EE–53–95], Room 5228, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Evangelista Lee of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–8452 (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed amendments to the Income Tax Regulations under section 501(c)(5) of the Internal Revenue Code. The proposed regulations appeared in the Federal Register for Thursday, December 21, 1995 (60 FR 66228).

The rules of § 601.601(a)(3) of the ''Statement of Procedural Rules'' (26 CFR Part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Wednesday, May 15, 1996, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answer thereto.

Because of controlled access restrictions, attenders cannot be admitted beyond the lobby of the Internal Revenue Building until 9:45 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying.

Copies of the agenda will be available free of charge at the hearing.

Cynthia E. Grigsby,

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

[FR Doc. 96–8459 Filed 4–4–96; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915 and 1926

[Docket No. H–041]

Occupational Exposure to 1,3-Butadiene

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Proposed Rule; Extension of time to submit comments.

SUMMARY: On March 8, 1996, the Occupational Safety and Health Administration (OSHA) reopened the record for the proposed revision of the 1,3 Butadiene (BD) standard. (61 FR 9381, March xx, 1996). OSHA is extending the comment period to allow additional time for parties to address the issues raised in the document, including the joint labor/industry recommendations of January 29, 1996. The labor/industry agreement recommended that OSHA reduce the permissible exposure limits and expanded on some provisions that were addressed in OSHA's 1990 proposal. (55 FR 32736, August 10, 1990).

DATES: Written comments must be postmarked by April 26, 1996.

ADDRESSES: Comments are to be submitted in quadruplicate to the Docket Office, Docket No. H–041, U.S. Department of Labor, Room N–2634, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046, provided the original and 3 copies are sent to the Docket Office thereafter.

FOR FURTHER INFORMATION CONTACT: Anne C. Cyr, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Telephone (202) 219–8148. Copies of the labor/industry recommendations and submissions to the record are available for inspection and copying in the Docket Office. For electronic copies of this notice, contact the Labor News Bulletin Board (202) 219–4784; or OSHA's WebPage on the Internet at http://www.osha.gov/. For news releases, fact sheets, and other short documents, contact OSHA FAX at (900) 555–3400 at $1.50 per minute.

SUPPLEMENTARY INFORMATION:

I. Background

On August 10, 1990, the Occupational Safety and Health Administration (OSHA) published a notice of proposed rulemaking on BD. (55 FR 32736). Following receipt of recommendations from a joint labor/industry group, OSHA reopened the BD rulemaking record for 30 days, until April 8, 1996, (61 FR 9381), in order to give the public opportunity to comment. The notice reprinted the agreement and raised issues related to its provisions along with some agency concerns. Representatives of the labor/industry group have requested additional time to submit a clarification of their recommendations and their responses to issues raised by the agency in the notice reopening the BD record. OSHA is granting their request. Accordingly, this notice extends the period for the submission of comments until April 26, 1996.

II. Public Participation—Comments

Written comments must be postmarked by April 26, 1996. Four copies of these comments must be submitted to the Docket Office, Docket No. HS–041), U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046, provided the original and 3 copies are sent to the Docket Office thereafter. All materials submitted will be available for inspection and copying at the above address. Materials previously submitted to the Docket for this rulemaking need not be re-submitted.

III. Authority

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act (29 U.S.C. 655), and 29 CFR part 1911.

Signed at Washington, D.C., this 1st day of April, 1996.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 96–8504 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–26–P

POSTAL SERVICE

39 CFR Part 111

Deposit of Mail With Insufficient Postage

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise the Domestic Mail Manual (DMM) regarding the treatment of mail with insufficient postage that is deposited for delivery. Currently, mail deposited with no postage is returned to the sender without an attempt at delivery, whereas mail deposited with insufficient postage is marked ''POSTAGE DUE'' and delivered to the addressee upon payment of the charges marked on the mail. If a sender deposits 10 or more pieces of shortpaid mail, the accepting post office may contact the sender to obtain payment of the additional postage prior to dispatch.

The proposed rule would treat mail with no postage and insufficient postage alike: such mail generally would be returned to the sender without an attempt at delivery. As is currently the case with mail bearing no postage, mail displaying no return address or a return address that is actually the address of the intended recipient would be sent to a Postal Service mail recovery center.

DATES: Comments must be received on or before May 20, 1996.

ADDRESSES: Written comments should be mailed or delivered to Manager, Revenue Assurance, USPS Headquarters, 475 L'Enfant Plaza SW., Washington, DC 20260–5237. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8831 at the above address.

FOR FURTHER INFORMATION CONTACT: Rita W. Crawford, (202) 268–2831.

SUPPLEMENTARY INFORMATION: Current regulations allow the Postal Service to mark shortpaid mail ''POSTAGE DUE'' and collect the amount due from the addressee or return the mail to the sender for additional postage after delivery is attempted. Societal changes have rendered this procedure impractical. Letter carriers are often unable to find an individual who can

pay for postage due at home during normal business hours. Furthermore, a steadily increasing percentage of mail is delivered to receptacles that are not immediately adjacent to a dwelling, such as grouped receptacles in the lobby of an apartment building. Often postage is not collected and the mail must be returned to the sender, causing that mail to be delayed in reaching the intended recipient. To improve customer service and avoid such delays, this proposed rule would allow the Postal Service to immediately return shortpaid mail for additional postage so that it can be resent and reach the addressee more expeditiously than under the current procedures.

Additionally, the Postal Service has been victimized by numerous schemes to mail letters with insufficient postage. Much of this loss comes from the deposit of letters for delivery as regular First-Class Mail with only 6 cents or less in postage affixed. The Postal Service must recoup lost postage from mailings by customers who pay the proper rate of postage. In such situations, it can be extremely difficult and time-consuming for a letter carrier to attempt to collect postage due. As a result, postage due on shortpaid mail frequently is not collected, despite the effort and expense incurred to attempt delivery to the addressee.

The proposed rule would treat shortpaid mail in the same manner as mail without any postage. Both forms of mail generally would be returned to the sender without any attempt at delivery. Thus, schemes to mail letters with insufficient postage would no longer be effective. As is currently the case with mail bearing no postage, mail displaying no return address, or a return address that is, in fact, the address of the intended recipient, would be sent to a Postal Service mail recovery center.

In some recent incidents, postal employees have mistakenly treated mail bearing proper postage at a discounted rate as shortpaid mail. An aggressive campaign is under way to ensure that all employees who handle mail can distinguish between discounted rate mail and shortpaid mail. The proposed rule is meant to apply only to mail that is genuinely shortpaid, and the Postal Service will take all steps necessary to see that the rule is implemented accordingly.

Existing DMM sections P011.1.3, 1.4, and 1.7 (renumbered as 1.5) are retained as exceptions to the general rule described above. Proposed new section 1.6 is added to reflect current policy and states clearly that additional postage for disqualified bulk or presort rate mailings is collected from the mailer prior to dispatch. Proposed new section 1.7 is added as a final exception, and provides that shortpaid mail may be delivered to addressees who have made arrangements with their postmasters to pay the postage due.

In consideration of the foregoing, the Postal Service proposes to amend DMM P011 as set forth below.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions of the DMM, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

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

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following units of the Domestic Mail Manual as noted below:

P011 Payment

1.0 PREPAYMENT AND POSTAGE DUE

* * * * *

1.2 Unpaid and Shortpaid Mail

Except as provided by 1.3 through 1.7, matter of any class, either with no postage or with insufficient postage, is endorsed ''RETURNED FOR POSTAGE'' and returned to the sender without an attempt at delivery. Matter bearing no postage or insufficient postage is treated as dead mail and sent to a Postal Service mail recovery center if:

a. No return address is shown;

b. The delivery and return addresses are identical;

c. The delivery and return addresses are different but are actually the same person or organization; or

d. The mail is refused by the sender when returned for collection of postage due.

* * * * *

[*Delete existing 1.5, 1.6, and 1.9; renumber existing 1.7 as 1.5; add new 1.6 and 1.7 as follows:*]

1.6 Bulk and Presort

Additional postage due must be paid prior to dispatch for a bulk or presort rate mailing that is found to have insufficient postage when presented to the USPS for acceptance.

1.7 Special Payment Arrangements

Shortpaid mail may be delivered if the addressee makes arrangements with the delivery post office for the payment of additional postage.

* * * * *

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 96–8383 Filed 4–4–96; 8:45 am]

BILLING CODE 7710–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 96–8; FCC 96–36]

Spread Spectrum Transmitters

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: By this *Notice of Proposed Rule Making* (''NPRM''), the Commission proposes to amend its rules regarding the operation of spread spectrum transmission systems in the 902–928 MHz, 2400–2483.5 MHz and 5725–5850 MHz bands. For simplicity, these bands will be referenced in this proposal as 915 MHz, 2450 MHz and 5800 MHz, respectively. The Commission proposes to eliminate the limit on directional gain antennas for spread spectrum transmitters operating in the 5800 MHz band. We are also proposing to reduce, from 50 to 25, the minimum number of channels required for frequency hopping spread spectrum systems operating in the 915 MHZ band. These proposals are in response to Petitions for Rule Making filed by Western Multiplex Corporation (WMC) and Spectralink Corporation (Spectralink). We are also denying a Petition for Rule Making from Symbol Technologies, Inc. (Symbol). Further, the Commission on its own motion proposes a number of amendments to the spread spectrum regulations to clarify the existing regulations, to codify existing policies into the rules, and to update the current definitions. These changes will expand the ability of equipment manufacturers to develop spread spectrum systems for unlicensed use.

DATES: Comments must be filed on or before June 19, 1996, and reply comments must be filed on or before July 19, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: John Reed, Office of Engineering and Technology, (202) 418–2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* ET Docket No. 96–8, FCC 96–36, adopted January 30, 1996, and released February 5, 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, N.W., Washington, D.C., and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 2100 M Street, N.W., Suite 140, Washington D.C. 20037.

Summary of Notice

1. The Commission is proposing to amend Parts 2 and 15 of the rules regarding the operation of spread spectrum transmission systems in the 915 MHz, 2450 MHz and 5800 MHz bands. The spread spectrum rules, as originally adopted, did not specify a limit on antenna gain. At that time there were few other operators in these bands and little potential that interference would be caused to other users. Further, we wished to offer an incentive to spur the development of spread spectrum systems. These bands, especially the 915 MHz and the 2450 MHz bands, are now becoming more crowded, particularly with mobile units, increasing the potential that spread spectrum systems using high gain antennas will cause harmful interference. In addition to the licensed radio services, wireless computer local area network systems and various consumer products, such as cordless telephones, are being used under Part 15 in the 915 MHz and 2450 MHz bands.

2. Since there are few operators in the 5800 MHz band, the potential that harmful interference will occur from the use of directional antennas is much lower. There are also fewer mobile users in the 5800 MHz band. It is easier to engineer a fixed, point-to-point system to operate without causing harmful interference problems if the other stations in that band are fixed in location. Further, the 5800 MHz band is ideal for fixed, point-to-point wideband microwave operations, the type of applications desired by WMC. Accordingly, the Commission believes the limit on directional antenna gain should only be eliminated for spread spectrum systems operating in the 5800 MHz band. We request comment on this proposal. While we are not inclined to provide a similar relaxation for the 2450 MHz band, we also ask for comment on whether we should eliminate the 6 dB limit on directional antenna gain in this band.

3. The Commission further believes that if spread spectrum transmitters employing high gain antennas were made available to the general public, it would be difficult to ensure that these systems are used only for fixed, point-to-point applications. In addition, high gain directional antenna systems, because of their narrow transmission beamwidth and the problems associated with aligning the transmitter with the receiver site, are not products that would normally be employed by the general public. Accordingly, we believe that the marketing of spread spectrum systems employing high gain antennas should be limited to commercial or industrial operators and exclude sales to the general public. The Commission further proposes to hold the operator of a spread spectrum system responsible for ensuring that the system is operated in a compliant manner. In addition, we propose to require that the manual supplied with the spread spectrum transmitter contain language in the installation instructions notifying the operator of this responsibility.

4. In addition, absent controls regarding the locations and manner in which spread spectrum transmitters may be used, systems employing high gain directional antennas could expose the public to potentially harmful signal levels that exceed the radio frequency exposure limits in our rules and recommended by various standards-setting organizations. In order to meet our obligation under the National Environmental Policy Act, we propose to hold the holder of the grant of certification for the transmitter, the grantee, responsible for ensuring that the equipment is designed to minimize exposure of the public to excessive radio frequency (RF) signal levels. Comments are requested concerning possible biological hazards from the high effective radiated power levels that could be emitted from these systems, any additional methods that can be employed to prevent unnecessary exposure of the public, and whether we should prescribe the use of specific means for preventing such exposure.

5. The Commission also seeks comments in two additional areas regarding the technical standards for spread spectrum transmission systems operating without a limit on directional antenna gain. The first of these concerns a reduction in the output power of the transmitter based on the amount that the increase in directional antenna gain exceeds the current limit of 6 dBi. We propose that the output power of a transmitter would need to be decreased by 1 dB for every 3 dB that the antenna gain exceeds 6 dBi in order to maintain an "equivalent" area of interference, *i.e.*, the geographic area over which interference could result with a directional antenna as compared to the area obtained with an omnidirectional antenna. See the proposed new Section 15.274(b)(4) in Appendix B of the *NPRM.* We are also seeking comments on whether the rules should specify limits on the horizontal and vertical beamwidths of antennas used with point-to-point systems. Certain antenna designs, *e.g.,* a horizontally polarized yagi antenna, concentrate the signal strength in azimuth (horizontal) but not in elevation (vertical). A fixed, point-to-point system employing an antenna with a wide elevation beamwidth that is pointed towards an office building with multiple floors could result in severe interference problems to any party in that building who is in line with the system and is operating in the same band. Several antenna designs concentrate the radiated signals in both azimuth and elevation, *e.g.,* circular dish antennas and stacked yagi antennas. The Commission believes that any interference problems resulting from excessive vertical emissions could be resolved if the 3 dB beamwidths, in both the vertical and the horizontal planes, of the high gain directional antennas employed with these fixed, point-to-point systems differ by no more than a factor of two and are proposing such a limit.

6. As SpectraLink observes in its petition, there could be mutual interference problems between wideband, multilateration LMS systems and Part 15 frequency hopping spread spectrum systems, and it would be beneficial if these two operations could avoid sharing the same spectrum. The modification sought by SpectraLink would appear to promote frequency sharing within this band. Therefore, the Commission proposes to amend the rules to permit frequency hopping spread spectrum systems in the 915 MHz band to use only 25 hopping channels, provided that those systems employ hopping channel bandwidths of at least 250 kHz and the transmitters operate at a reduced power level. Hopping systems using channel bandwidths less than 250 kHz already can avoid operating in the bands used by broadband multilateration LMS systems and require no decrease in the

minimum number of hopping channels. For frequency hopping systems employing channel bandwidths of 250 kHz or greater, we propose to reduce the minimum number of hopping channels to 25. Consistent with this plan, we are also proposing to modify the maximum average time of occupancy on any hopping frequency to 0.4 seconds in any 10 second period to correspond to the reduction in the number of hopping channels. Comments are also requested as to whether the rules should specify a formula for the minimum number of hopping channels based on the amount by which the bandwidth of the hopping channel exceeds 250 kHz.

7. Further, in order to reduce the potential for interference due to the smaller number of hopping channels, we propose to require that frequency hopping spread spectrum systems in the 915 MHz band that use fewer than 50 hopping channels operate with a maximum peak transmitter output power of 500 mW.

8. We are also denying the Petition for Rule Making from Symbol to reduce the minimum number of hopping channels for frequency hopping spread spectrum systems operating in the 2450 MHz or 5800 MHz bands.

9. There are also several additional regulations concerning Part 15 spread spectrum transmission systems that need to be clarified, codified or amended. They are Spectral power density, Short duration transmissions, Measurement of processing gain, Limits on unwanted emissions, Frequency hopping coordination, External radio frequency power amplifiers, Transition provisions, Definition of direct sequence and Pseudorandom sequence and frequency hopping systems. These are discussed in more detail in the full text of the Commission's *NPRM,* ET Docket 96–8.

Initial Regulatory Flexibility Analysis

1. *Reason for Action:* This rule making proceeding is initiated to obtain comment regarding proposed changes to the regulations for non-licensed spread spectrum transmitters.

2. *Objectives:* The Commission seeks to determine if the standards should be amended as sought in Petitions for Rule Making filed by WMC, Symbol and SpectraLink. Additional amendments are also proposed to clarify the existing regulations and to codify existing policies into the rules.

3. *Legal Basis:* The proposed action is authorized under Sections 4(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 301, 302, 303(e), 303(f), 303(r), 304 and 307.

4. *Reporting, Recordkeeping and Other Compliance Requirements:* Part 15 spread spectrum transmitters are already required to be authorized under the Commission's certification procedure as a prerequisite to marketing and importation. The changes proposed in this proceeding would not change any of the current reporting or recordkeeping requirements. Further, the proposed regulations add permissible methods of operation and would not require the modification of any existing products.

5. *Federal Rules Which Overlap, Duplicate or Conflict With These Rules:* None.

6. *Description, Potential Impact and Number of Small Entities Involved:* The actions proposed in this proceeding add permissible methods of operation and will not require the modification of any existing products. Accordingly, there should be no mandatory impact on any small entities.

7. *Any Significant Alternatives Minimizing the Impact on Small Entities Consistent with Stated Objectives:* None.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 15

Communications equipment, Radio.

Federal Commications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–8386 Filed 4–4–96; 8:45 am]

BILLING CODE 6712–01–P

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47 CFR Parts 36 and 69

[CC Docket No. 96–45; DA–96–483]

Federal-State Joint Board on Universal Service

AGENCY: Federal Communications Commission.

ACTION: Proposed rule: extension of time.

SUMMARY: On April 1, 1996, the Federal Communications Commission (''Commission'') released an Order (''Order'') extending the deadline for filing comments to its Notice of Proposed Rulemaking and Order Establishing Joint Board, released March 8, 1996 (CC Docket No. 96–45). Previously, comments were due April 8, 1996 and reply comments were due May 3, 1996. The Order extends the comment deadline to April 12, 1996 and extends the reply comment deadline to May 7, 1996. This extension will allow interested parties additional time to file comments and reply comments.

DATES: Comments are due on or before April 12, 1996. Reply comments are due on or before May 7, 1996.

ADDRESSES: Comments should be addressed to Office of the Secretary, Federal Communications Commission, 1919 M Street, NW, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Deborah A. Dupont, Senior Attorney, 202 418–0850, Accounting and Audits Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION: On March 8, 1996, the Federal Communications Commission released a Notice of Proposed Rulemaking and Order Establishing Joint Board (''NPRM''), 61 FR 10,499 . The Commission sought comment on all matters discussed in that NPRM. The deadline for comments was April 8, 1996 and the deadline for reply comments was May 3, 1996. On April 1, 1996, the Commission released an Order that denied the joint request of the following groups for a thirty-day extension of both the comment deadline and the reply comment deadline: the Consumer Federation of America; Alliance for Community Media; American Library Association; Benton Foundation; Center for Media Information; Consortium for School Networking; National Education Association; National School Boards Association; People for the American Way Action Fund; United Church of Christ, Office of Communications; and United States Catholic Conference. However, the Order extends the comment period until April 12, 1996 and the reply comment period until May 7, 1996 for all interested parties.

Federal Communications Commission.

Kenneth P. Moran,

Chief, Accounting and Audits Division, Common Carrier Bureau.

[FR Doc. 96–8536 Filed 4–2–96; 4:21 pm]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542]

Regulations Governing Fees for Services Performed In Connection With Licensing and Related Services—1996 Update

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Surface Transportation Board (Board) is proposing to adopt its 1996 User Fee Update and to revise its fee schedule at this time to recover the costs associated with providing services to the public.

DATES: Comments are due on May 6, 1996.

ADDRESSES: Send comments (an original and 10 copies referring to STB Ex Parte No. 5427) to: Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue NW., Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Kathleen M. King, (202) 927–5249 or David T. Groves, (202) 927–6395. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: The Board's regulations in 49 CFR 1002.3 require the Board to update its user fee schedule annually.[1] In this proceeding, the Board proposes to revise its fee schedule based on the cost study formula set forth at 49 CFR 1002.3(d). The Board also proposes to modify selected fees to reflect new cost study data. In addition, new fees are proposed for services and activities that have not previously been included in the Board's user fee schedule.

In the current fee schedule, the fees for a number of Board proceedings have been set at less than fully distributed cost. The Board is proposing to adopt the policy of setting all of its user fees at a level that will recover the Board's full cost of providing the involved services. Accordingly, the Board proposes to establish the fees for such proceedings as major and significant rail mergers, rail finance proceedings, formal complaints, and petitions for declaratory order at the fully distributed cost level.

In this proceeding, the Board also is proposing to update these regulations to reflect the recent enactment of the ICC Termination Act of 1995.

The Board concludes that the fee changes proposed here will not have a significant economic impact on a substantial number of small entities because the Board's regulations in 49 CFR 1002.2(e) provide for waiver of filing fees for those entities which can make the required showing of financial hardship.

Additional information is contained in the Commission's decision. To obtain a copy of the full decision, write, call, or pick up in person from DC News & Data, Inc., Room 2229, 1201 Constitution Avenue NW., Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: March 26, 1996.

By the Board, Chairman Morgan, Vice Chairman Simmons, and Commissioner Owen.

Vernon A. Williams,

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is proposed to be amended as follows:

PART 1002—FEES

1. The authority citation for part 1002 is proposed to be revised to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A), and 553; 31 U.S.C. 9701 and 49 U.S.C. 721.

2. Section 1002.1 is proposed to be amended by revising paragraphs (b), (e)(1) and the chart in paragraph (f)(6) to read as follows:

§ 1002.1 Fees for records search, review, copying, certification, and related services.

* * * * *

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of $24.00 per hour.

* * * * *

(e) * * *

(1) A fee of $42.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

* * * * *

(f) * * *

(6) * * *

Grade	Rate
GS–1	$7.13
GS–2	7.76
GS–3	8.75
GS–4	9.82
GS–5	10.99
GS–6	12.25
GS–7	13.61
GS–8	15.07
GS–9	16.65
GS–10	18.33
GS–11	20.14
GS–12	24.14
GS–13	28.71
GS–14	33.93
GS–15 and over	39.91

* * * * *

3. Section 1002.2 is proposed to be amended by revising paragraphs (d), and (f), and the heading of paragraph (e) to read as follows:

§ 1002.2 Filing fees.

* * * * *

(d) *Related or consolidated proceedings.* (1) Separate fees need not be paid for related applications filed by the same applicant which would be the subject of one proceeding.

(2) A separate fee will be assessed for the filing of an application for temporary authority to operate a motor carrier of passengers as provided in paragraph (f)(5) of this section regardless of whether such application is related to a corresponding transfer proceeding as provided for in paragraph (f)(2) of this section.

(3) The Board may reject concurrently filed applications, petitions, notices, contracts summaries, or other documents asserted to be related and refund the filing fee if, in its judgment, they embrace two or more severable matters which should be the subject of separate proceedings.

(e) *Waiver or reduction of filing fees.*

* * * * *

(f) *Schedule of filing fees.*

Type of Proceeding	Fee
Part I: Non-rail applications or proceedings to enter upon a particular financial transaction or joint arrangement:	
(1) An application for the pooling or division of traffic	$2,400.
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303.	$1,100.
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13706	$15,400.

[1] Effective January 1, 1996, the ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803 abolished the Interstate Commerce Commission and established the Board within the Department of Transportation. The Act provides that with certain exceptions, all regulations previously issued by the Commission shall continue in effect according to their terms until modified or terminated. Accordingly, all of the Commission's regulations, including those related to user fees in 49 CFR Part 1002 were transferred to the Board in *Transfer of Regulations from the Interstate Commerce Commission to the Surface Transportation Board Pursuant to the ICC Termination Act of 1995,* STB Ex Parte No. 525 61 FR 1842 (1–24–96).

Type of Proceeding	Fee
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	$2,500.
(ii) Minor amendment	$50.
(5) An application for temporary authority to operate a motor carrier of passengers 49 U.S.C. 14303(i)	$250.
(6)–(10) [Reserved]	
Part II: Rail licensing proceedings other than abandonment or discontinuance proceedings:	
(11) (i) An application for a certificate authorizing the construction, extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901.	$4,000.
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	$1,000.
(iii) Petition for exemption under 49 U.S.C. 10502 (except petitions involving construction of a rail line)	$7,000.
(12) A petition for exemption under 49 U.S.C. 10502 involving the construction of a rail line	$41,700.
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	$12,800.
(14) (i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902.	$3,400.
(ii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902	$3,700.
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	$950.
(16)–(20) [Reserved]	
Part III: Rail abandonment or discontinuance of transportation services proceedings:	
(21) (i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the North East Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments.	$12,400.
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	$2,000.
(iii) A petition for exemption under 49 U.S.C. 10502	$3,500.
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to North East Rail Service Act.	$250.
(23) Abandonments filed by bankrupt railroads	$1,000.
(24) A request for waiver of filing requirements for abandonment application proceedings	$1,000.
(25) An offer of financial assistance (OFA) under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment.	$900.
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	$12,700.
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C. 1247(d)	$650.
(28)–(35) [Reserved]	
Part IV: Rail applications to enter upon a particular financial transaction or joint arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	$10,600.
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	$5,700.
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	$830,500.
(ii) Significant transaction	$166,100.
(iii) Minor transaction	$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$950.
(v) Responsive application	$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$5,200.
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324.	
(i) Major transaction	$830,500.
(ii) Significant transaction	$166,100.
(iii) Minor transaction	$3,400.
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	$750.
(v) Responsive application	$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$5,200.
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	$830,500.
(ii) Significant transaction	$166,100.
(iii) Minor transaction	$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$650.
(v) Responsive application	$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$5,200.
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	$830,500.
(ii) Significant transaction	$166,100.
(iii) Minor transaction	$3,400.
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	$800.
(v) Responsive application	$3,400.
(vi) Petition for exemption under 49 U.S.C. 10502	$3,700.
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	$1.300.
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	$39,000.
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	$7,200.
(ii) Minor amendment	$50.
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	$400.

Type of Proceeding	Fee
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered.	$4,400.
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	$84,200.
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act.	$102,100.
(49)–(55) [Reserved]	
Part V: Formal proceedings:	
(56) A formal complaint alleging unlawful rates or practices of rail carriers, motor carriers of passengers or motor carriers of household goods:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1).	$233,200.
(ii) All other formal complaints	$23,100
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates, or charges. 49 U.S.C. 10705.	$4,900.
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding.	$5,000.
(ii) All other petitions for declaratory order	$3,700.
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	$3,900.
(60) Labor arbitration proceedings	$7,600.
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d).	$3,700.
(62) Motor carrier undercharge proceedings	$5,800.
(63)–(75) [Reserved]	
Part VI: Informal proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706.	$650.
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	$70.
(78) (i) The filing of tariffs, including supplements, or contract summaries	$1 per page ($13 minimum charge.)
(ii) Tariffs transmitted by fax	$1 per page.
(79) Special docket applications from rail and water carriers:	
(i) Applications involving $25,000 or less	$40.
(ii) Applications involving over $25,000	$80.
(80) Informal complaint about rail rate applications	$300.
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving $25,000 or less	$40.
(ii) Petitions involving over $25,000	$80.
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a) (2) and (3).	$100.
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c)	$22 per document.
(84) Informal opinions about rate applications (all modes)	$100.
(85) A railroad accounting interpretation	$600.
(86) An operational interpretation	$800.
(87)–(95) [Reserved]	
Part VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent	$17 per delivery.
(97) Request for service or pleading list for proceedings	$13 per list.
(98) (i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a **Federal Register** notice.	$150.
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a **Federal Register** notice.	$350.
(99) (i) Application fee for the Surface Transportation Board's Practitioners' Exam	$100.
(ii) Practitioners' Exam Information Package	$25.
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	$50.
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	$10.
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	$20.
(iv) Public requests for *Source Codes* to the PC version URCS Phase III	$500.
(v) PC version or mainframe version URCS Phase II	$400.
(vi) PC version or mainframe version Updated Phase II databases	$50.
(vii) Public requests for Source Codes to PC version URCS Phase II	$1,500.
(101) Carload Waybill Sample data on recordable compact disk (R–CD):	
(i) Requests for Public Use File on R–CD First Year	$450.
(ii) Requests for Public Use File on R–CD Each Additional Year	$150.
(iii) Waybill—Surface Transportation Board or State proceedings on R–CD—First Year	$650.
(iv) Waybill—Surface Transportation Board or State proceedings on R–CD—Second Year on same R–CD	$450.
(v) Waybill—Surface Transportation Board of State proceeding on R–CD—Second Year on different R–CD	$500.
(vi) User Guide for latest available Carload Waybill Sample	$50.

* * * * *

[FR Doc. 96–8293 Filed 4–4–96; 8:45 am]
BILLING CODE 4915–00–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 960314073–6073–01; I.D. 030896E]

RIN 0648–AI23

Atlantic Swordfish Fishery; Quotas, Minimum Size, and Technical Changes

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to amend the regulations governing the Atlantic swordfish fishery to: Reduce the total allowable catch (TAC) to 2,625 metric tons (mt) dressed weight (dw) via a split season (June 1 - May 31), decrease the minimum size to 73 cm (29 inches) cleithrum to caudal keel measure and eliminate the trip allowance for undersized fish, and make technical changes to ensure consistency of regulations. The intent of this action is to protect the swordfish resource while allowing harvests of swordfish consistent with recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT).

DATES: Comments on the proposed rule must be submitted on or before May 2, 1996.

ADDRESSES: Copies of an Environmental Assessment/Regulatory Impact Review (EA/RIR) supporting this action may be obtained from William Hogarth, Acting Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this rule should be sent to William Hogarth and to the Office of Management and Budget (OMB), (0648–0016), Attention: NOAA Desk Officer, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: William Hogarth, 301–713–2339; fax: 301–713–0596.

SUPPLEMENTARY INFORMATION: The Atlantic swordfish fishery is managed under the Fishery Management Plan for Atlantic Swordfish and its implementing regulations at 50 CFR part 630 under the authority of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations issued under the authority of ATCA carry out the recommendations of ICCAT.

The 1994 ICCAT stock assessment for North Atlantic swordfish indicated the stock is continuing to decline and that large reductions in quotas are required in the immediate future to rebuild the stock to levels that can support the maximum sustainable yield. In 1995, the Standing Committee on Research and Statistics (SCRS) of ICCAT re-ran the stock production model using revised catch data through 1993, and results indicated that the North Atlantic swordfish resource has continued to decline despite reductions in total reported landings from peak values in 1987. Based on the assessment results, ICCAT recommended reduced quotas for the major nations fishing for North Atlantic swordfish, i.e., the United States, Spain, Canada, and Portugal. For 1996, the recommended U.S. quota is 3,500 mt whole weight (ww), or 5.8 million lb dw.

These proposed regulatory changes would improve NMFS' ability to implement the ICCAT recommendations and further the management objectives for the Atlantic swordfish fishery. NMFS has re-evaluated the annual TAC, the seasonal implementation of this TAC, and the need for technical changes to the regulatory text in the Atlantic swordfish fishery in accordance with the procedures and factors specified in 50 CFR 630.24(d), including consideration of the latest stock assessment and recommendations of ICCAT. The proposed regulations are summarized as follows:

1. Total Allowable Catch (TAC)

NMFS proposes to change the definition of the fishing year for purposes of TAC implementation for several reasons. First, establishing that the fishing year begins June 1 would facilitate NMFS' implementation of ICCAT quotas for all future years by allowing additional months following the November ICCAT meeting for the regulatory process (scoping, proposed rule, public hearings, final rule). Second, this approach would ensure that the domestic swordfish fishery would be open during certain critical marketing months, namely early July and the December holiday period. Anecdotal evidence indicates that if the swordfish fishery is subject to a calendar-year quota, closures during December are particularly difficult, not only due to the inability to supply the holiday market demand for swordfish, but also due to the lack of alternative fisheries (no other tunas, for example). There is a high probability that the large coastal shark fishery would be closed during that end-of-the-year time period as well.

NMFS proposes to decrease the annual TAC by 359 mt to 2,625 mt, which is consistent with the 1994 ICCAT recommendation. All weights are in dressed weight of swordfish, unless indicated otherwise. The TAC would be divided between a directed-fishery quota of 2,371 mt and a bycatch quota of 254 mt. The directed-fishery quota would be divided into two 1,185.5 mt semiannual quotas for each of the 6-month periods, June 1 through November 30, and December 1 through May 31. Each of the 1,185.5 mt semiannual quotas would be further subdivided into a drift gillnet quota of 23.45 mt and a longline and harpoon quota of 1,162.05 mt. This allocation by gear types uses the same percentages that were in effect in 1995.

NMFS estimates that approximately 97.6 mt of swordfish semiannually will be discarded dead, based on the rate used in 1995. Therefore, the semiannual landing quota for the longline and harpoon swordfish fishery would be the semiannual catch quota of 1162.05 mt minus the estimated semiannual dead discards of 97.6 mt, or 1,064.44 mt for each of the two semiannual periods.

Following a closure of the directed longline fishery, any overharvest or underharvest would be added or subtracted, respectively, to the bycatch reserve of 254 mt. The ability to add or subtract underage or overage ensures that the United States would abide by ICCAT quotas.

NMFS has no new information sufficient to justify changes in the existing 10 mt special set-aside quota for harpoon gear.

2. Bridge Period TAC

Because a split season is proposed, a bridge period TAC must be determined for the first 5 months of 1996. NMFS proposes a TAC equal to five twelfths of the 1995 U.S. quota, which is equivalent to 1,149.5 mt (106 mt bycatch, 1021 mt longline, and 22.5 mt drift gillnet).

Quota for this bridge period plus the first semiannual quota result in a January 1–December 1 quota of 2,364.4 mt dw, or approximately 3,144.6 mt round weight, which is 355 mt less than the 3,500 mt calendar-year quota set by ICCAT. Since it is unlikely that December 1996 landings will exceed 355 mt, implementation of the split season with the five twelfths bridge

period TAC also meets the ICCAT calendar year quota requirements.

3. Alternative Minimum Size

This proposed rule would implement the ICCAT-recommended alternative minimum size of 119 cm lower jaw fork length with a zero tolerance for undersized fish. Therefore, the current tolerance of undersized fish (15 percent by number per trip) would be eliminated. The minimum size is equivalent to a cleithrum to caudal keel measure (CK) of 73 cm (29 inches) or 15 kg (33 lb) dw. SCRS research shows that this reduced minimum size with zero tolerance is equivalent to the alternative recommendation in terms of fishing mortality. This alternative would allow U.S. fishermen to harvest smaller fish and may reduce the discard rate. It also greatly facilitates enforcement.

4. Technical Changes

This proposed rule includes changes to the regulatory text regarding vessel reporting requirements, in an effort to be consistent with changes in the logbook program.

Classification

This proposed rule is published under the authority of ATCA. The Assistant Administrator has preliminarily determined that the regulations contained in this rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic swordfish fishery. The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed rule would not have a significant economic impact on a substantial number of small entities. The 1996 TAC represents about a 12 percent reduction from the TAC of the previous year, which could result in short-term potential losses in gross revenue of about $3.2 million. However, these potential losses will be at least partially offset by increases in price due to declining supply (demand is price-inelastic) and the split season. In addition, pelagic longline vessels may redirect fishing effort to Atlantic tunas, dolphin fish, and other species, as occurred in the 1995 season. As a result, a regulatory flexibility analysis was not prepared. The RIR provides further discussion of the economic effects of the proposed rule.

This action has been determined to be not significant for purposes of E.O. 12866.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number.

This proposed rule includes changes to the regulatory text regarding vessel reporting requirements, in an effort to be consistent with changes in the logbook program. However, there are no new collection-of-information requirements since the proposed rule simply clarifies requirements that have been approved by the Office of Management and Budget under Control Number 0648–0016. Public reporting burden for this collection of information is estimated to average 2 minutes for logbook records and trip summaries.

These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspects of this collection of information, including suggestions for reducing this burden, to NMFS and OMB (see **ADDRESSES**).

NMFS issued biological opinions under the Endangered Species Act on September 1, 1995, and on February 2, 1996, indicating that the level of impact and marine mammal takes from the longline and harpoon, and drift gillnet swordfish fishery is not likely to jeopardize the continued existence of any sea turtle species or any marine mammal populations.

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Dated: April 2, 1996.

Gary Matlock,

Program Manager, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 630 is proposed to be amended as follows:

PART 630—ATLANTIC SWORDFISH FISHERY

1. The authority citation for part 630 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.* and 16 U.S.C. 971 *et seq.*

2. In § 630.5, paragraph (a)(1) is revised to read as follows:

§ 630.5 Recordkeeping and recording.

(a) *Fishing vessel reports.* (1) The owner and operator of a vessel for which a vessel permit has been issued under § 630.4 must ensure that a daily logbook form is maintained of the vessel's swordfishing effort, catch, and disposition on logbook forms available from the Science and Research Director. Such forms must be submitted to the Science and Research Director postmarked not later than the 7th day after sale of the swordfish off-loaded from a trip. If no fishing occurred during a month, a report so stating must be submitted in accordance with instructions provided with the logbook forms. Logbooks must be kept on board the vessel at all times.

* * * * *

3. In § 630.7, paragraph (q) is revised to read as follows:

§ 630.7 Prohibitions.

* * * * *

(q) Possess on board a vessel a swordfish that is smaller than the minimum size specified in § 630.23(a).

* * * * *

4. In § 630.23, paragraph (b) is removed, paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively, and the first sentence of paragraph (a) and the last sentence of newly designated paragraph (b) are revised to read as follows:

§ 630.23 Harvest limitations.

(a) *Minimum size.* The minimum allowable size for possession on board a fishing vessel for a swordfish taken from the management unit is 29 inches (73 cm) carcass length, measured along the body contour (i.e., a curved measurement) from the cleithrum to the anterior portion of the caudal keel (CK measurement) or, if swordfish are weighed, 33 lb (15 kg) dressed weight. * * *

(b) * * * A shark-bit swordfish for which the remainder of the carcass is less than the minimum size limit specified in paragraph (a) of this section may not be landed.

* * * * *

5. In § 630.24, paragraphs (b)(1), (d)(4), and (e) are revised, paragraph (b)(2) is redesignated as paragraph (b)(3), and a new paragraph (b)(2) is added to read as follows:

§ 630.24 Quotas.

* * * * *

(b) * * *

(1) The directed fishery quota for the period January 1, 1996, through May 31, 1996, is 1,021 mt dressed weight for the longline fishery, 22.5 mt dressed weight for the drift gillnet fishery, and 106 mt dressed weight for the bycatch fishery.

(2) The annual quota for the directed fishery for swordfish is 2,371 mt dressed

weight, divided into two semiannual quotas as follows:

(i) For the semiannual period June 1 through November 30:

(A) 23.45 mt dressed weight, that may be harvested by drift gillnet; and

(B) 1,162.05 mt dressed weight that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1064.44 mt dressed weight, may be landed in this category.

(ii) For the semiannual period December 1 through May 31:

(A) 23.45 mt dressed weight that may be harvested by drift gillnet; and

(B) 1,162.05 mt dressed weight that may be harvested by longline and harpoon. To account for harvested fish that are discarded dead, only 1064.44 mt dressed weight may be landed in this category.

* * * * *

(d) * * *

(4) Any adjustments to the 12-month directed-fishery quota will be apportioned equally between the June 1 through November 30 and December 1 through May 31 semiannual periods.

* * * * *

(e) NMFS may adjust the December 1 through May 31 semiannual directed-fishery quota and gear quotas to reflect actual catches during the June 1 through November 30 semiannual period, provided that the 12-month directed-fishery and gear quotas are not exceeded.

* * * * *

6. In § 630.25, the first sentence of paragraph (b) is revised to read as follows:

§ 630.25 Closures and bycatch limits.

* * * * *

(b) * * * The procedures of paragraph (a)(1) of this section notwithstanding, during the June 1 through November 30 semiannual period, swordfish not exceeding 21,500 lb (9,752 kg), dressed weight, may be set aside for the harpoon segment of the fishery. * * *

* * * * *

[FR Doc. 96–8489 Filed 4–2–96; 4:45 pm]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 67
Friday, April 5, 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

Rural Housing Service

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: The Rural Housing Service, USDA.

ACTION: Proposed collection; comments request.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Rural Housing Service's (RHS) intention to request an extension for a currently approved information collection in support of the program for Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts.

DATES: Comments on this notice must be received by June 4, 1996 to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Lucia A. McKinney, Loan Specialist, Single Family Housing Servicing and Property Management Division, RHS, U.S. Department of Agriculture, Ag Box 0784, Washington, DC 20250, Telephone (202) 720–1452.

SUPPLEMENTARY INFORMATION:

Title: Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts.

OMB Number: 0575–0060.

Expiration Date of Approval: April 1996.

Type of Request: Extension of a currently approved information collection.

Abstract: The rural housing loan program under section 502 of the Housing Act of 1949, 42 U.S.C. Section 1472, enables persons of low to moderate income to purchase adequate but modest dwellings in rural areas. In addition, the program includes borrowers that obtain financing from the RHS under Section 504 of the Housing Act of 1949. The section 504 program enables very low-income owner-occupants in rural areas to obtain loans to remove unsafe, unhealthy, and hazardous conditions from their homes. In order to assist its borrowers to become successful homeowners and to protect the Government's security interest, RHS provides borrowers who receive section 502 and 504 loans with counseling and supervision.

RHS will be collecting information from borrowers who may be experiencing financial difficulty and could be in danger of losing their homes. At this time this information is collected and evaluated by the local RHS County Office. This information is needed by RHS to determine if borrowers, based on their individual situations, qualify for various servicing authorities that are available. The information is collected on an as needed basis, since the circumstances that may qualify a borrower for these various authorities cannot be anticipated. The information collected is required for the borrower to obtain the various loan servicing options available. If not collected, RHS would be unable to determine if a borrower would qualify for any of the servicing options; thereby, possibly causing a borrower to lose his or her home.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 3.27 hours per response.

Respondents: Individuals or households.

Estimated Number of Respondents: 32,000.

Estimated Number of Responses per Respondent: 1.45.

Estimated Total Annual Burden on Respondents: 14,200 hours.

Copies of this information collection can be obtained from the Director, Regulations and Paperwork Management Division, at (202) 720–9725.

Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of RHS, including whether the information will have practical utility; (b) the accuracy of RHS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (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 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. Comments may be sent to Director, Regulations and Paperwork Management Division, U.S. Department of Agriculture, RECD, Ag Box 0743, Washington, DC 20250. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: March 31, 1996.

Maureen Kennedy,

Administrator, Rural Housing Service.

[FR Doc. 96–8399 Filed 4–4–96; 8:45 am]

BILLING CODE 3410–07–P

DEPARTMENT OF COMMERCE

Submission For OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Patent and Trademark Office.

Title: Customer Input – Patent and Trademark Customer Surveys.

Form Number(s): NA.

Agency Approval Number: NA.

Type of Request: New collection.

Burden: 5,000 hours.

Number of Respondents: 10,000.

Avg Hours Per Response: Varies with each survey.

Needs and Uses: This request is for a generic clearance for surveys to be conducted over the next 3 years. The surveys will be designed to obtain customer feedback relating to PTO products, services and related service standards.

Affected Public: Businesses or other for–profit isntitutions, individuals or households, not–for–profit institutions, Federal Government, and state, local or tribal government.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Maya Bernstein, (202) 395–3785.

Copies of the above information collection proposal can be obtained by calling or writing Linda Engelmeier, Acting DOC Forms Clearance Officer, (202) 482–3272, Department of Commerce, Room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Maya Bernstein, OMB Desk Officer, room 10236, New Executive Office Building, Washington, DC 20503.

Dated: March 29, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–8371 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–16–F

Bureau of the Census

Annual Survey of Communication Services

ACTION: Proposed Agency Information Collection Activity; Comment Requested.

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 June 4, 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 instruction(s) should be directed to Thomas E. Zabelsky, Bureau of the Census, Room 2775–FOB 3, Washington, DC 20233–6500, (301)457–2766.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Annual Survey of Communication Services (ASCS) provides detailed estimates of revenue and expenses for the telephone, radio and television broadcasting, cable and pay television, and other communication service industries. The Bureau of Economic Analysis (BEA), the primary Federal user, uses the information in developing the national income and product accounts, and compiling benchmark and annual input-output tables, and Gross Domestic Product (GDP) by industry. The Federal Communication Commission (FCC) uses these data as a means for assessing FCC policy. The Bureau of Labor Statistics (BLS) uses these data as input to its Producer Price Indices. Private industry uses the data in planning and as a marketing analysis tool. Data are collected from all of the largest firms and from a sample of small- and medium-sized businesses, selected using a stratified random sampling procedure. The ASCS sample is reselected periodically, generally at 5-year intervals. The largest firms continue to be canvassed when the sample is re-drawn, while nearly all of the small- and medium-sized firms from the old sample are replaced. The next such revision, utilizing results from the 1992 economic census, will be effective with the 1996 survey year.

II. Method of Collection

We collect this information by mail.

III. Data

OMB Number: 0607–0706.

Form Numbers: B–516, B–517, B–518, B–519, B–520, B–521.

Type of Review: Regular Submission.

Affected Public: Businesses or other for-profit organizations, not for profit institutions, Federal Government.

Estimated Number of Respondents: 1780.

Estimated Time Per Response: 3.9 hours.

Estimated Annual Burden Hours: 7000.

Estimated Total Cost: The total cost in fiscal year 1996 for the Annual Survey of Communication Services is $300,000, all borne by the Bureau of Census. The cost to the respondent is estimated to be $350,000, based on an annual response burden of 7,000 hours and a rate of $50 per hour to complete the form.

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 burden (including hours and cost) of the proposed collection of information; 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 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: April 1, 1996.

Linda Engelmeier,

Acting Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 96–8370 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–07–P

Foreign-Trade Zones Board

[Docket 25–96]

Foreign-Trade Zone 14—Little Rock, Arkansas; Application for Subzone; Mid States Pipe Fabricating, Inc. (Steel Pipe); El Dorado, AR

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Little Rock Port Authority on behalf of the Industrial Development Commission of the State of Arkansas, grantee of FTZ 14, requesting special-purpose subzone status for the steel pipe fabrication facilities of Mid States Pipe Fabricating, Inc. (Mid States), located in El Dorado, Arkansas, some 110 miles south of Little Rock. 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 March 25, 1996.

This application replaces and closes the file on an earlier application filed in 1993 and still pending involving a Mid States plant in Harlingen, Texas (FTZ Doc. 58–93, filed 11/24/93, 58 FR 63911, 12/3/93). Mid States closed its Harlingen plant in 1995 and relocated the operations to the El Dorado, Arkansas, plant that is the subject of this application.

The Mid States El Dorado facilities consist of two sites within the City of El Dorado, Arkansas. The main facility (70,000 sq. ft. on 14 acres) is located at 1130 East Main Street. The second facility is located at 205 Hurley Road (33,000 sq. ft. on 29 acres). The facilities (100 employees) are used to fabricate steel and steel alloy pipe (½'' to 60'' outer diameter). The pipe is used by the oil refining, chemical processing, paper production, power generation, and motor vehicle manufacturing industries.

Foreign-origin materials used in the manufacturing process include: iron and steel (alloy or non-alloy including carbon, stainless and chrome) pipes, flanges, elbows, fittings, swage nipples and related items. (Foreign materials would be admitted in privileged foreign status (19 CFR 146.41)).

Zone procedures would exempt Mid States from Customs duty payments on the foreign materials used in export production (20% of output). On domestic sales, the company would be able to defer Customs duties until finished products are shipped from the plant. The company is also seeking an exemption from the Customs duty on scrap and waste that results from the production process (3%). The foreign materials and finished products held for export would be eligible for an exemption from certain state and local ad valorem taxes. The application indicates that the savings from zone procedures would help improve the plants' international competitiveness.

In accordance with the Board's regulations, a member of the FTZ Staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 4, 1996. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period June 19, 1996.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office, 425 W. Capitol Avenue, 7th Floor, Little Rock, Arkansas 72201

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: March 28, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–8369 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

[Docket A(32b1)–3–96]

Foreign-Trade Zone 124—Gramercy, LA, Subzone 124A, TransAmerican Natural Gas Corporation (Oil Refinery Complex) Request for Modification of Restrictions

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the South Louisiana Port Commission, grantee of FTZ 124, pursuant to § 400.32(b)(1) of the Board's regulations, for modification of the restrictions in FTZ Board Order 379 (53 FR 11539, 4/7/88) authorizing Subzone 124A at the crude oil refinery complex of TransAmerican Natural Gas Corporation (TransAmerican), in Destrehan, Louisiana. The request was formally filed on March 25, 1996.

The Board Order in question was issued subject to certain standard restrictions, including one that required the election of privileged foreign status on incoming foreign merchandise. The zone grantee has requested that the latter restriction be modified so that TransAmerican would have the option available under the FTZ Act to choose non-privileged foreign (NPF) status on foreign refinery inputs used to produce certain petrochemical feedstocks and by-products, including the following: benzene, toluene, xylene, naphthalene, carbon black, other aromatic hydrocarbon mixtures, ethane, methane, propane, butane, natural gas, ethylene, propylene, butylene, cumene, petroleum jelly, paraffin wax, petroleum coke, sulfur, and sulfuric acid.

The request cites the FTZ Board's recent decision in the Amoco, Texas City, Texas case (Board Order 731, 60 FR 13118, 3/10/95) which authorized subzone status with the NPF option noted above. In the Amoco case, the Board concluded that the restriction that precluded this NPF option was not needed under current oil refinery industry circumstances.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 6, 1996.

A copy of the application and accompanying exhibits will be available for public inspection at the following location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue, NW, Washington, DC 20230.

Dated: March 27, 1996.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–8366 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 809]

Expansion of Foreign-Trade Zone 145, Shreveport, Louisiana, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, an application from the Caddo-Bossier Port Commission, grantee of Foreign-Trade Zone 145, for authority to expand its general-purpose zone in the Shreveport, Louisiana, area was filed by the Board on May 30, 1995 (FTZ Docket 28–95, 60 FR 30267, 6/8/95); and,

Whereas, notice inviting public comment was given in Federal Register and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby orders:

The application to expand FTZ 145 is approved, subject to the Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 25th day of March 1996.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–8367 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 808]

Revision of Grant of Authority, Subzone 87A, Conoco, Inc. (Oil Refinery) Lake Charles, Louisiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Board (the Board) authorized

subzone status at the oil refinery of Conoco, Inc., in Lake Charles, Louisiana, in 1988, subject to conditions (Subzone 87A, Board Order 406, 53 FR 52455, 12/28/88);

Whereas, the Lake Charles Harbor and Terminal District, grantee of FTZ 87, has requested, pursuant to § 400.32(b)(1)(i), a revision (filed 1/24/96, A(32b1)–1–96; FTZ Doc. 18–96, assigned 3/6/96) of the grant of authority for FTZ Subzone 87A which would make its scope of authority identical to that recently granted for FTZ Subzone 199A at the refinery complex of Amoco Oil Company, Texas City, Texas (Board Order 731, 60 FR 13118, 3/10/95); and,

Whereas, the Assistant Secretary for Import Administration, acting for the Board pursuant to § 400.32(b)(1), concurring in the findings and recommendations of the FTZ Staff and Executive Secretary, approves the request;

Now therefore, subject to the Act and the Board's regulations, including § 400.28, Board Order 406 is revised to replace the two conditions currently listed in the Order with the following conditions:

1. Foreign status (19 CFR §§ 146.41, 146.42) products consumed as fuel for the refinery shall be subject to the applicable duty rate.

2. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR § 146.42) may be elected on refinery inputs covered under HTSUS Subheadings # 2709.00.1000–# 2710.00.1050 and # 2710.00.2500 which are used in the production of:

—petrochemical feedstocks and refinery by-products (FTZ staff report, Appendix B);

—products for export; and,

—products eligible for entry under HTSUS # 9808.00.30 and 9808.00.40 (U.S. Government purchases).

3. The authority with regard to the NPF option is initially granted until September 30, 2000, subject to extension.

Signed at Washington, DC, this 25th day of March 1996.

Susan G. Esserman,

Assistant Secretary of Commerce for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 96–8368 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–570–803]

Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, from the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by the petitioner and two resellers of the subject merchandise, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on heavy forged hand tools, finished or unfinished, with or without handles, (HFHTs) from the People's Republic of China (PRC). The review covers four exporters of subject merchandise to the United States and the period February 1, 1994 through January 31, 1995. The review indicates the existence of dumping margins during the period of review.

We have preliminarily determined that sales have been made below normal value (NV). If these preliminary results are adopted in our final results of administrative review, we will instruct the U.S. Customs Service to assess antidumping duties equal to the difference between United States price (U.S. price) and NV.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Prosser, Rebecca Trainor or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington D.C. 20230; telephone: (202) 482–4733.

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). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

SUPPLEMENTARY INFORMATION:

Background

On February 19, 1991, the Department published in the Federal Register (56 FR 6622) the antidumping duty order on HFHTs from the PRC. On February 2, 1995, the Department published in the Federal Register (60 FR 6524) a notice of opportunity to request an administrative review of this antidumping duty order. On February 27, 1995, in accordance with 19 CFR 353.22(a), two exporters of the subject merchandise to the United States, Fujian Machinery & Equipment Import & Export Corporation (FMEC) and Shandong Machinery Import & Export Corporation (SMC), requested that the Department conduct an administrative review of their exports of subject merchandise to the United States. On February 28, 1995, the petitioner, Woodings-Verona Tool Works, Inc., requested that the Department conduct an administrative review of FMEC, SMC, Henan Machinery Import and Export Co. (Henan) and Tianjin Machinery Import and Export Co. (Tianjin). We published the notice of initiation of this review on March 15, 1995 (60 FR 13956).

The Department received no questionnaire responses from either Henan or Tianjin. Therefore, we have based our analysis of these two companies on facts otherwise available. The Department is conducting this administrative review in accordance with section 751 of the Act.

Scope of the Review

Imports covered by this review are shipments of HFHTs from the PRC comprising the following classes or kinds of merchandise: (1) hammers and sledges with heads over 1.5 kg. (3.33 pounds) (hammers/sledges); (2) bars over 18 inches in length, track tools and wedges (bars and wedges); (3) picks/mattocks; and (4) axes/adzes.

HFHTs include heads for drilling, hammers, sledges, axes, mauls, picks, and mattocks, which may or may not be painted, which may or may not be finished, or which may or may not be imported with handles; assorted bar products and track tools including wrecking bars, digging bars and tampers; and steel woodsplitting wedges. HFHTs are manufactured through a hot forge operation in which steel is sheared to required length, heated to forging temperature and formed to final shape on forging equipment using dies specific to the desired product shape and size. Depending on the product, finishing operations may include shot blasting,

grinding, polishing and painting, and the insertion of handles for handled products. HFHTs are currently provided for under the following Harmonized Tariff System (HTS) subheadings: 8205.20.60, 8205.59.30, 8201.30.00, and 8201.40.60. Specifically excluded are hammers and sledges with heads 1.5 kg. (3.33 pounds) in weight and under, hoes and rakes, and bars 18 inches in length and under.

This review covers four exporters of HFHTs from the PRC. The review period is February 1, 1994 through January 31, 1995.

Separate Rates

To establish whether a company is sufficiently independent to be entitled to a separate rate, the Department analyzes each exporting entity under the test established in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China,* 56 FR 20588 (May 6, 1991) (*Sparklers*), as amplified in *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China,* 59 FR 22585 (May 2, 1994) (*Silicon Carbide*). Under this policy, exporters in non-market-economy (NME) countries are entitled to separate, company-specific margins when they can demonstrate an absence of government control, both in law (*de jure*) and in fact (*de facto*), with respect to exports. Evidence supporting, though not requiring, a finding of *de jure* absence of government control includes: (1) an absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) any other formal measures by the government decentralizing control of companies. *De facto* absence of government control with respect to exports is based on four criteria: (1) whether the export prices are set by or subject to the approval of a government authority; (2) whether each exporter retains the proceeds from its sales and makes independent decisions regarding the disposition of profits and financing of losses; (3) whether each exporter has autonomy in making decisions regarding the selection of management; and (4) whether each exporter has the authority to negotiate and sign contracts. *See Silicon Carbide,* 59 FR at 22587.

In our final results of review for the 1992–1993 review period of this order, the Department determined that FMEC and SMC warranted company-specific dumping margins according to the criteria identified in *Sparklers* and *Silicon Carbide. See Preliminary Results of Antidumping Duty Administrative Review: Heavy Forged Hand Tools from the PRC* 60 FR 19723, 19724 (April 20, 1995), and *Final Results of Antidumping Duty Administrative Review: Heavy Forged Hand Tools from the PRC,* 60 FR 49251 (September 22, 1995). Because there is no new evidence on the record, we preliminarily determine that these two companies continue to be entitled to separate rates.

Because Henan and Tianjin did not respond to our separate rates questionnaire, we preliminarily determine that they do not merit separate rates.

United States Price

The Department used export price (EP), in accordance with section 772(a) of the Act, in calculating U.S. price. We made deductions from EP, where appropriate, for brokerage and handling, foreign inland freight, ocean freight, and marine insurance. Ocean freight services were provided by both PRC-owned and non-PRC-owned companies. Where we knew that the company providing the ocean freight services was not a PRC-owned company, we used the actual rates charged; for ocean freight services provided by PRC-owned companies, we applied a weighted-average ocean freight rate derived from those sales for which we used actual ocean freight rates. Since marine insurance services were provided by PRC-owned companies, we based the deduction for marine insurance on surrogate values. We also used surrogate data to value foreign inland freight and brokerage and handling.

Normal Value

For companies located in NME countries, section 773(c)(1) of the Act provides that the Department shall determine normal value (NV) using a factors of production methodology if (1) the subject merchandise is exported from an NME country, and (2) available information does not permit the calculation of NV using home market prices or third country prices, in accordance with section 773(a) of the Act.

In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. In accordance with section 771(18)(c)(i), any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. Accordingly, we calculated NV in accordance with section 773(c) of the Act and section 353.52 of the Department's regulations. In accordance with section 773(c)(3) of the Act, the factors of production utilized in producing HFHTs include, but are not limited to—(A) hours of labor required, (B) quantities of raw materials employed, (C) amounts of energy and other utilities consumed, and (D) representative capital cost, including depreciation. In accordance with section 773(c)(4) of the Act, the Department valued the factors of production, to the extent possible, using the prices or costs of factors of production in a market economy country that is—(A) at a level of economic development comparable to that of the PRC, and (B) a significant producer of comparable merchandise. We determined that India is comparable to the PRC in terms of per capita gross national product (GNP), the growth rate in per capita income, and the national distribution of labor. Furthermore, India is a significant producer of comparable merchandise. For a further discussion of the Department's selection of India as the surrogate country, *see* File Memorandum, dated February 26, 1996, on file in Room B–099 of the Commerce Department.

In accordance with section 773(c) of the Act, for purposes of calculating NV, we valued PRC factors of production in the year in which production occurred as follows:

- To value all direct materials used in the production of HFHTs, including steel, resin glue, paint, varnish, wood for handles, iron wedges, anti-rust oil, scrap steel, and dilution, we used the rupee per metric ton, per kilogram, or per cubic meter value of imports into India during April-December 1993, for production in 1993, and during April 1994–January 1995, for production in 1994, obtained from the *Monthly Statistics of the Foreign Trade of India, Volume II—Imports,* January 1994 and January 1995 (*Indian Import Statistics*).
- For direct labor, we used the labor rates reported in the Economist Intelligence Unit's *Investing, Licensing & Trading Conditions Abroad: India,* released in November 1993 and November 1994. This source breaks out labor rates between skilled, unskilled, semi-skilled, and foreman labor, and provides information on the number of labor hours worked per week.
- For factory overhead, we used information reported in the April 1995 *Reserve Bank of India Bulletin.* From this information, we were able to determine factory overhead as a percentage of total cost of manufacture. We included steel pellets used to remove oxidization from the tool heads and detergent used to clean the tool heads in factory overhead as these materials are not physically incorporated into the subject merchandise.

• For selling, general and administrative (SG&A) expenses, we used information obtained from the April 1995 *Reserve Bank of India Bulletin.* We calculated an SG&A rate by dividing SG&A expenses by the cost of manufacture.

• To calculate a profit rate, we used information obtained from the April 1995 *Reserve Bank of India Bulletin.* We calculated a profit rate by dividing the before-tax profit by the sum of those components pertaining to the cost of manufacturing plus SG&A.

• To value the packing materials, including cartons, pallets, anti-rust paper, anti-damp paper, plastic and iron straps, plastic bags, iron buttons and knots, synthetic fiber, and iron wire, we used the rupee per metric ton, per kilogram, or per cubic meter value of imports into India during April–December 1993, for production in 1993, and during April 1994–January 1995, for production in 1994, obtained from the 1994 and 1995 *Indian Import Statistics.* We adjusted these values to include freight costs incurred between the suppliers and the HFHT factories.

• To value coal, we used the price of steam coal reported for 1990 in the International Energy Agency publication *Energy Prices and Taxes,* 2nd Quarter 1995. We adjusted the value of coal to reflect inflation, using wholesale price indices (WPI) of India as published in the *International Financial Statistics* by the International Monetary Fund (IMF).

• To value electricity, we used the price of electricity for India for 1990, reported in the Asian Development Bank publication *Energy Indicators of Developing Member Countries of the Asian Development Bank*, July 1992. We adjusted the value of electricity to reflect inflation, using the WPI published by the IMF.

• To value truck freight, we used the rates reported in a June 1992 cable from the U.S. Embassy in India submitted for the *Final Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China*, 57 FR 29705 (July 6, 1992) and an August 1993 cable from the U.S. Embassy in India submitted for the *Final Determination of Sales at Less Than Fair Value: Certain Helical Spring Lock Washers from the People's Republic of China*, 58 FR 48833 (September 20, 1993). We adjusted truck freight rates to reflect inflation, using the WPI published by the IMF.

• To value rail freight, we used the price reported in a December 1989 cable from the U.S. Embassy in India submitted for the *Final Results of Antidumping Duty Administrative Review: Shop Towels of Cotton from the People's Republic of China*, 56 FR 4040 (February 1, 1991). We adjusted rail freight rates to reflect inflation, using the WPI published by the IMF.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the date of the U.S. sales as certified by the Federal Reserve Bank.

Use of Facts Otherwise Available

On August 18, 1995, the Department sent to each respondent the Department's antidumping questionnaire. We established that all of the respondents received the questionnaires; however Henan and Tianjin failed to submit responses. *See* File Memorandum dated September 11, 1995, on file in Room B–099 of the Commerce Department. Because Henan and Tianjin have withheld the requested information, we must make our preliminary determination based on facts otherwise available, in accordance with section 776(a)(2)(A) of the Act.

The Department finds that, in not responding to the questionnaire, Henan and Tianjin failed to cooperate by not acting to the best of their abilities to comply with a request for information from the Department. Section 776(b) of the Act therefore authorizes the Department to use an inference adverse to the interests of that respondent in choosing the facts available. Section 776(b) also authorizes the Department to use as adverse facts available information derived from the petition, the final determination, a previous administrative review, or other information placed on the record. Because information from prior proceedings constitutes secondary information, section 776(c) of the Act provides that the Department shall, to the extent practicable, corroborate that secondary information from independent sources reasonably at its disposal. The Statement of Administrative Action (SAA) provides that "corroborate" means simply that the Department will satisfy itself that the secondary information to be used has probative value.

To corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information to be used. However, unlike other types of information, such as input costs or selling expenses, there are no independent sources for calculated dumping margins. The only source for margins is administrative determinations. Thus, in an administrative review, if the Department chooses as total adverse facts available a calculated dumping margin from a prior segment of the proceeding, it is not necessary to question the reliability of the margin for that time period. With respect to the relevance aspect of corroboration, however, the Department will consider information reasonably at its disposal as to whether there are circumstances that would render a margin not relevant. Where circumstances indicate that the selected margin is not appropriate as adverse facts available, the Department will disregard the margin and determine an appropriate margin (*see, e.g., Fresh Cut Flowers from Mexico; Preliminary Results of Antidumping Duty Administrative Review* (60 FR 49567)), where the Department disregarded the highest margin in that case as adverse BIA because the margin was based on another company's uncharacteristic business expense resulting in an unusually high margin). For these reviews, we have used the highest rate from any prior segment of each proceeding. These were 21.92 percent for axes/adzes, 66.32 percent for bars/wedges, 45.42 percent for hammers/sledges, and 108.20 percent for picks/mattocks.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the period February 1, 1994 through January 31, 1995:

Manufacturer/exporter	Margin (percent)
Fujian Machinery & Equipment Import & Export Corp:	
Axes/Adzes	0.34
Bars/Wedges	3.89
Hammers/Sledges	0.34
Picks/Mattocks	46.91
Shandong Machinery Import & Export Corp:	
Bars/Wedges	12.51
Hammers/Sledges	0.36
Picks/Mattocks	39.19
Henan Machinery Import & Export Co:	
Axes/Adzes	21.92
Bars/Wedges	66.32
Hammers/Sledges	45.42
Picks/Mattocks	108.20
Tianjin Machinery Import & Export Co:	
Axes/Adzes	21.92
Bars/Wedges	66.32
Hammers/Sledges	45.42
Picks/Mattocks	108.20

Parties to the proceeding may request disclosure within 5 days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44

days after the publication of this notice, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Rebuttal briefs, which must be limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. *See* section 353.38(d) of the Department's regulations. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will publish a notice of final results of these administrative reviews, which will include the results of its analysis of issues raised in any such comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and NV may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of HFHTs from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(1) of the Act: (1) the cash deposit rates for the reviewed companies named above which have separate rates (FMEC and SMC) will be the rates for those firms established in the final results of this administrative review; (2) for all other PRC exporters, the cash deposit rates will be the PRC-wide rates established in the final results of this administrative review; and (3) the cash deposit rates for non-PRC exporters of subject merchandise from the PRC will be the rates applicable to the PRC supplier of that exporter. We preliminarily determine the PRC-wide rates to be: 21.92 percent for axes/adzes; 66.32 percent for bars/wedges; 44.41 percent for hammers/sledges; and 108.20 percent for picks/maddocks. These are the highest rates found for any respondent in the LTFV investigation or any review. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

The Department acknowledges a recent decision of the Court of International Trade, *UCF America Inc.* v. *United States,* Slip Op. 96–42 (CIT Feb. 27, 1996), in which the Court affirmed the Department's remand results for reinstatement of the relevant cash deposit rate, but expressed disagreement with use of the ''PRC-wide'' rate as the underlying basis for reinstatement. The Court raised various concerns with the Department's application of a ''PRC-wide'' rate.

The Court suggested that the Department lacks authority for applying a ''PRC-wide'' rate in lieu of an ''all others'' rate. We note, however, that section 777A(c) requires the Department to determine individual dumping margins for each known exporter or producer. Pursuant to this authority, the Department implements a policy in NME cases whereby all exporters or producers are presumed to comprise a single entity, the ''NME entity''. The Court has upheld our NME policy in previous cases. *See e.g., UCF America, Inc.* v. *United States,* 870 F. Supp. 1120, 1126 (CIT 1994); *Sigma Corp.* v. *United States,* 841 F. Supp. 1255, 1266–67 (CIT 1993); *Tianjin Machinery Import & Export Corp.* v. *United States,* 806 F. Supp. 1008, 1013–15 (CIT 1992).

The ''NME-wide'' rate is consistent with section 735(c)(1)(B)(i)(I). This provision directs the agency to assign a dumping margin for each exporter or producer individually investigated. As discussed above, in NME cases, all producers and exporters comprise a single entity. Thus, we assign the NME rate to the NME entity just as we assign an individual rate to a single exporter or producer operating in a market economy. As a result, all exporters and producers that are part of the NME entity are assigned the ''NME-wide'' rate. Because the ''NME-wide'' rate is the equivalent of a company-specific rate, it changes only when we review the NME entity (*i.e.,* all NME producers and exporters that have not qualified for a separate rate). To qualify for a separate rate, an NME exporter or producer must provide evidence showing both *de jure* and *de facto* absence of government control. *See Silicon Carbide.* Until such evidence is presented, a company is presumed to be part of the NME entity and receives the ''NME-wide'' rate. Consequently, whenever the NME enterprise has been investigated or reviewed, calculation of an ''all others'' rate under section 735(c)(1)(B)(i)(II) is unnecessary. All exporters or producers will either qualify for a separate company-specific rate, or be part of the NME enterprise, and receive the ''NME-wide'' rate. Thus, there can be no exporters or producers who have never been investigated or reviewed.

In this review, FMEC and SMC qualify for separate rates as discussed in the ''Separate Rates'' section of this notice. Because Henan and Tianjin do not qualify for separate rates, they remain representative of the NME entity, which is subject to the new PRC-wide rate established in the final results of this administrative review.

Notification of Interested Parties

This notice serves as a preliminary reminder to importers of their responsibility under section 353.26 of the Department's regulations to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: March 27, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–8364 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–046]

Polychloroprene Rubber From Japan; Preliminary Results and Termination In-Part of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of preliminary results and termination in-part of Antidumping Duty Administrative Review.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on polychloroprene rubber from Japan. Interested parties are invited to comment on these preliminary results and termination in-part. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Roy F. Unger, Jr. or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–0651 or 482–3814.

SUPPLEMENTARY INFORMATION:

Background

On December 6, 1973, the Department of the Treasury published in the Federal Register (38 FR 35393) the antidumping finding on polychloroprene rubber (rubber) from Japan. On December 6, 1994, the Department of Commerce (the Department) published a notice of ''Opportunity to Request Administrative Review'' (59 FR 62710). On December 29, 1994, the petitioner, E. I. Du Pont de Nemours & Company, Inc. (Du Pont), requested that we conduct an administrative review for the period December 1, 1993, through November 30, 1994, covering eight producers and/or exporters: Denki Kaguku, K.K. (Denki), Denki/Hoei Sangyo Co., Ltd. (Denki/Hoei Sangyo), Mitsui Bussan K.K. (Mitsui Bussan), Showa Neoprene K.K. (Showa), Showa/Hoei Sangyo Co., Ltd. (Showa/Hoei Sangyo), Suzugo Corporation (Suzugo), Tosoh Corporation (Tosoh) (formerly Toyo Soda), and Tosoh/Hoei Sangyo Co., Ltd. (Tosoh/Hoei Sangyo).

We published a notice of initiation of the antidumping administrative review on these companies on January 13, 1995 (60 FR 3192). The Department has now conducted the administrative review in accordance with section 751 of the Tariff Act of 1930, as amended.

Applicable Statute and Regulations

The Department has conducted this administrative review in accordance with section 751 of the Tariff Action 1930, as amended (the Tariff Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations refer to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are shipments of polychloroprene rubber, an oil resistance synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00. HTS item numbers are provided for convenience and for Customs purposes. The written descriptions remain dispositive.

Preliminary Results and Termination In-Part of Review

Denki, Mitsui Bussan, and Tosoh responded that they had no shipments during the period of review (POR). The petitioner withdrew its review request for Showa. Therefore, we are terminating in-part this administrative review with respect to Showa.

We were unable to locate the remaining companies, Denki/Hoei Sangyo, Showa/Hoei Sangyo, Suzugo, and Tosoh/Hoei Sangyo, in spite of requests for assistance from various sources including the American Embassy in Tokyo, the Japanese Embassy in Washington, D.C., and the U.S. Customs Service. Therefore, we were unable to conduct administrative reviews for these firms, and upon issuance of the final results we will instruct the U.S. Customs Service to continue to assess any entries by these firms at the rate determined by the last completed administrative review on November 26, 1984 (49 FR 46454) (see Certain Fresh Cut Flowers from Colombia; Preliminary Results of Antidumping Duty Administrative Review, Partial Termination of Administrative Reviews, and Notice of Intent to Revoke Order (In Part) (''Flowers from Colombia''), 60 FR 30271 (June 8, 1995)).

The U.S. Customs Service verified that none of the respondents had entries of subject merchandise during the POR. Because Denki, Mitsui Bussan, and Tosoh, had no shipments of this merchandise to the United States during the POR, the Department has preliminarily assigned each of them the cash deposit rate determined for that company in the last completed administrative review (see *Flowers from Colombia*). We have preliminarily determined that the following margins exist for the POR:

Manufacturer/producer/exporter	Percent margin
Denki	[1] 0.00
Mitsui Bussan	[1] 0.00
Tosoh	[1] 0.00

[1] No shipments during the POR. Rate is from the last administrative review in which there were shipments.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be those rates established in the final results of this review; (2) The cash deposit rate for subject merchandise exported by manufacturers or exporters not covered in this review, but covered in previous reviews or in the original less-than-fair-value (LTFV) investigation, will be based upon the most recently published rate in a final result or determination for which the manufacturer or exporter received a company-specific rate; (3) The cash deposit rate for subject merchandise exported by an exporter not covered in this review, a prior review, or the original investigation, but where the manufacturer of the merchandise has been covered by this or a prior final results or determination, will be based upon the most recently published company-specific rate for that manufacturer; and (4) The cash deposit rate for merchandise exported by all other manufacturers and exporters, who are not covered by these or any previous administrative review conducted by the Department, will be the ''all others'' rate established in the original LTFV investigation.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review. Interested parties may request disclosure within five days of the date of publication of this notice, and may request a hearing within 10 days of the date of publication. Any hearing, if requested, will be held as early as convenient for the parties but not later than 44 days after the date of publication or the first workday thereafter. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. The Department will publish the final results of this administrative review, including its results of its analysis of issues raised in any such written comments.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 21, 1996.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 96–8365 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DS–P

U.S.-South Africa Business Development Committee: Membership

ACTION: Notice of Membership Opportunity.

SUMMARY: The Department of Commerce is currently seeking nominations of outstanding individuals to serve on the U.S. section of the U.S.-South Africa Business Development Committee (BDC). On June 4, 1994, Secretary of Commerce Ronald H. Brown and South African Minister of Trade and Industry Trevor Manuel signed the document establishing the BDC, the purpose of which is to provide a forum for the public and private sectors to engage in constructive exchanges of information on commercial matters, problem solve, and more effectively work together on issues of common interest. The BDC is composed of two sections, a U.S. section and a South African section. The U.S. Section is chaired by Secretary of Commerce Ronald H. Brown and is comprised of 21 private sector representatives. The inaugural meeting of the BDC took place September 19–20, 1994. Subsequent plenary and working group meetings have been held over the past two years with the government and private sector members from both countries in attendance.

OBLIGATIONS: Private sector members were originally appointed for a two year term. Nominations are now being sought for private sector members to serve for a two year period from July 1, 1996 until June 30, 1998. Private sector members will serve at the discretion of the Secretary and shall serve as representatives of the business community and the industry their business represents. They are expected to participate fully in defining the agenda for the Committee and in implementing its work program. It is expected that private sector individuals chosen for BDC membership will attend not less than 75% of the BDC meetings which will be held in the United States and South Africa.

Private sector members are fully responsible for travel, living and personal expenses associated with their participation on the BDC and may be responsible for a pro rata share of administrative and communications costs of the BDC.

The BDC will continue to work on issues of common interest to encourage trade and investment, including the following:

—Resolving obstacles to trade and investment between the two countries;
—Expanding commercial activity between both countries and identifying commercial opportunities;
—Developing sectoral or project-oriented approaches to expand business opportunities;
—Implementing trade and business development programs, including trade missions, seminars, exhibits and other events;
—Identifying further steps to facilitate and encourage the development of commercial expansion between the two countries; and
—Taking any other appropriate steps for fostering commercial relations between the U.S. and South Africa.

CRITERIA: In order to be eligible for membership in the U.S. section, potential candidates must be:

(1) U.S. citizens or permanent residents;

(2) CEOs or other senior management level employees of a U.S. company or organization with demonstrated involvement in trade with and/or investment in South Africa who will participate in not less than 75% of the BDC meetings, which will be held in the United States and South Africa. (The representative nominated should be the individual that will actively participate in the BDC);

(3) Not a registered Foreign Agent; and

(4) Actively doing business in South Africa or actively developing entry plans for doing business in South Africa.

To the extent possible, the Department of Commerce will strive to achieve membership composition that reflects U.S. entrepreneurial diversity. Therefore, in reviewing eligible candidates, the Department of Commerce will consider such selection factors as:

(1) Depth of experience in the South African market;

(2) Export/investment experience;

(3) Representation of industry or service sectors of importance to our commercial relationship with South Africa;

(4) Company size or, if an organization, size and number of member companies;

(5) Location of company or organization; and

(6) Demographics.

To be considered for membership, please provide the following: name and title of individual proposed for consideration; name and address of the company or organization of which the individual is a representative; company's or organization's product or service line; size of the company or, if an organization, the size and number of member companies; export experience/foreign investment experience in major markets; a brief statement (not more than 1 page) of why each candidate should be considered for membership on the Committee; the particular segment of the business community the candidate would represent; and a personal resume.

DEADLINE: In order to receive full consideration, requests must be received no later than May 15, 1996.

ADDRESSES: Please send your requests for consideration to Mrs. S.K. Miller, Director, Office of Africa by fax on 202/482–5198 or by mail at Room 2037, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Mrs. S.K. Miller, Director, Office of Africa, Room 2037, U.S. Department of Commerce, Washington, D.C. 20230; telephone: 202/482–4227.

Authority: Act of February 14, 1903, c. 552, as amended, 15 U.S.C. 1501 *et seq.*, 32 Stat. 825; Reorganization Plan No. 3 of 1979, 19 U.S.C. 2171 Note, 93 Stat. 1381.

Sally K. Miller,
Director, Office of Africa.

[FR Doc. 96–8461 Filed 4–4–96; 8:45 am]

BILLING CODE 3510–DA–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities Under OMB Control

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden; it includes the actual data collection instruments.

COMMENTS MUST BE SUBMITTED ON OR BEFORE: April 30, 1996.

ADDRESSES: Written comments should be sent to: Laura Olivin, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503. Requests for information, including copies of the questionnaires and supporting documentation, should be directed to:

Beverly L. Milkman, Executive Director, Committee for Purchase From People Who are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, VA 22202–3461, telephone: 703–603–7740.
Supplementary Information: The enabling regulations for the JWOD Act prescribe that the Committee: ''Conduct a continuing study and evaluation of its activities under the JWOD Act for the purpose of assuring effective and efficient administration of the JWOD Act. The Committee may study, independently, or in cooperation with other public or nonprofit private agencies, problems relating to: (1) The employment of the blind or individuals with other severe disabilities * * *'' (§ 51–2.2(g)).

As part of the effort to evaluate its activities and study the employment of individuals who are blind or severely disabled, the Committee has initiated an analysis of benefits and costs of the JWOD Program. The information collection instruments included in the request for OMB approval are required for the portion of the methodology that deals with costs and benefits for JWOD employees. These new information collection instruments will be used one time to collect information from a representative sample of nonprofit agencies and JWOD employees.

Beverly L. Milkman,
Executive Director.
[FR Doc. 96–8498 Filed 4–4–96; 8:45 am]
BILLING CODE 6353–01–M

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 6, 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 20, 1995, January 26, February 2, 9, 16 and 23, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (60 F.R. 54216, 61 F.R. 2494, 3911, 4962, 6234 and 6977) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.
2. The action will not have a severe economic impact on current contractors for the commodities and services.
3. The action will result in authorizing small entities to furnish the commodities and services to the Government.
4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Pad, Microwave
M.R. 562

Frame, Picture
7105–01–408–9957

Mirror, Glass
7105–00–260–1390
7105–00–264–5997

Badge, Identification
8455–01–396–2284

Napkin, Paper, Table
8540–00–276–7569
8540–00–276–7570
8540–00–279–7777
8540–00–149–1601
8540–01–350–6418

Services

Administrative Services, Directorate of Public Works, Fort Sam Houston, Texas
Food Service Attendant, U.S. Coast Guard Air Station Miami, Opa Locka, Florida
Grounds Maintenance, Tinker Air Force Base, Oklahoma
Grounds Maintenance, U.S. Army Reserve Center, Montgomery County Airport, 100 South Parkway, Conroe, Texas
Janitorial/Custodial, Building 151, Picatinny Arsenal, New Jersey
Janitorial/Custodial, Serrenti Memorial USARC, Scranton, Pennsylvania
Janitorial/Custodial, Wilkes-Barre USARC, Wilkes-Barre, Pennsylvania
Janitorial/Custodial, Naval and Marine Corps Reserve Center, Spokane, Washington
Mailrooom Operation, Department of the Army, Corps of Engineers, South Atlantic Division Office, 77 Forsyth Street SW., Atlanta, Georgia
Preparation of Oil Sample Kits, Naval Air Station, Pensacola, Florida
Recycling Service for the following locations: Cape Canaveral Air Force Station, Florida, Jonathon Dickinson Missile Tracking Annex, Florida, Malabar Tracking Annex, Florida.

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. 96–8505 Filed 4–4–96; 8:45 am]
BILLING CODE 6353–01—P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 6, 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.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to

procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Office and Miscellaneous Supplies (Requirements for Fort Drum, New York), NPA: Lions Club Industries, Inc., Durham, North Carolina

Pen, Rollerball and Refill
7520–01–424–4862
7510–00–425–5709
7510–00–425–5710
NPA: San Antonio Lighthouse, San Antonio, Texas

Plastic Sheets
8135–00–579–6487
8135–00–579–6489
8135–00–579–6491
8135–00–584–0610
8135–00–584–0619
8135–00–689–9466
NPA: Wichita Industries and Services for the Blind, Inc., Wichita, Kansas

Services

Administrative Services, Department of Energy, Forrestal Building, Washington, DC
NPA: Sheltered Occupational Center of Northern Virginia, Arlington, Virginia

Grounds Maintenance, Basewide, Scott Air Force Base, Illinois
NPA: Challenge Unlimited, Inc., Alton, Illinois

Switchboard Operation, Department of Veterans Affairs Medical Center, Syracuse, New York
NPA: Aurora of Central New York, Syracuse, New York

Beverly L. Milkman,
Executive Director.

[FR Doc. 96–8506 Filed 4–4–96; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy; Meeting

AGENCY: United States Military Academy, West Point, New York.

ACTION: Notice of open meeting.

SUMMARY: In accordance with Section 10(a)(20) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following meeting.

Name of Committee: Board of Visitors, United States Military Academy.

Date of Meeting: 21–22 April 1996.

Place of Meeting: West Point, New York.

Start Time of Meeting: 1:30 p.m.

Proposed Agenda: Annual Program Reviews, Report of Superintendent's Honor Review Committee, Class of 2000 Admission Status; Performance Enhancement Center Orientation/Demonstration, Discussion with Cadet Honor Education Team Members, and Selection of Dates for Visits to Summer Training. All proceedings are open.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John J. Luther, United States Military Academy, West Point, NY 10996–5000, (914) 938–5078.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,
Army Federal Register Liaison Officer.

[FR Doc. 96–8388 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–08–M

Corps of Engineers

Available Surplus Real Property at Stratford Army Engine Plant (SAEP), Stratford, Connecticut

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This notice identifies the surplus real property located at Stratford Army Engine Plant (SAEP), Stratford, Connecticut. SAEP is located 550 Main Street, approximately three (3) miles from Interstate 95.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities), contact Ms. Maria Anglada, Army Corps of Engineers, 26 Federal Plaza, Room 2007, New York, NY 10278–0090 (telephone 212–264–9109, fax 212–264–0230; or Fred Hyatt, Stratford Army Engine Plant, 550 Main Street, Stratford, CT 06497–7593 (telephone 203–385–4314).

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to Stratford Town Council, Attention: James F. Neale, III, LRA Project Coordinator, Stratford Engine Plant, 2725 Main Street, Room 1, Stratford, CT 06497.

The surplus Stratford Army Engine Plant (SAEP) is a manufacturing industrial facility. The facility consists of 76 acres with an additional 48 acres of water rights and contains 58 buildings with 1.7 million square feet of administrative, office, manufacturing, warehousing, and support space.

Gregory D. Showalter,
Army Federal Register Liaison Officer.

[FR Doc. 96–8418 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–06–M

Available Surplus Real Property at the Seivers Sandberg U.S. Army Reserve Center (Camp Pedricktown), Located at Pedricktown, Salem County, New Jersey

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This notice identifies the surplus real property located at Seivers Sandberg U.S. Army Reserve Center (Camp Pedricktown), located at Pedricktown, New Jersey. Camp Pedricktown is located approximately four (4) miles from Interstate 295.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Mr. Randy Williams, U.S. Army Corps of Engineers, 26 Federal Plaza, Room 2007, New York, NY 10278–0090

(telephone 212–264–6122, fax 212–264–0230; or Mrs. Jean Johnson, Directorate of Public Works, ATTN: AFZT–EHP, Real Property Office, 5318 Delaware Avenue, Fort Dix, New Jersey 08640–5505 (telephone 609–562–3253).

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to Mr. John Bickel, Oldmans Township, Post Office Box P, Pedricktown, New Jersey 08067.

The Surplus real property totals 63 acres of land, improved with two (2) office buildings, three (3) storage buildings, and 24 other type buildings.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–8425 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–06–M

Available Surplus Real Property at the Sgt. Joyce Kilmer U.S. Army Reserve Center (Camp Kilmer), Located in Edison, Middlesex County, New Jersey

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This notice identifies the surplus real property located at Sgt. Joyce Kilmer U.S. Army Reserve Center (Camp Kilmer), located at Edison, New Jersey. Camp Kilmer is located approximately seven (7) miles from Interstate 95.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Mr. Randy Williams, U.S. Army Corps of Engineers, 26 Federal Plaza, Room 2007, New York, NY 10278–0090 (telephone 212–264–6122, fax 212–264–0230; or Mrs. Jean Johnson, Directorate of Public Works, ATTN: AFZT–EHP, Real Property Office, 5318 Delaware Avenue, Fort Dix, New Jersey 08640–5505 (telephone 609–562–3253).

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to the Edison Township Committee, ATTN: Angelo Orlando, Director of Parks and Recreation, 100 Municipal Blvd, Edison, New Jersey 08817.

The surplus real property totals 49 acres and includes one (1) office building, one (1) storage building, and two (2) other type buildings. The current use is recreational. Future use may be limited to the above.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–8426 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–06–M

Available Surplus Real Property at the U.S. Army Reserve Facility Bellmore, Located in Bellmore, Nassau County, New York

AGENCY: U.S. Army Corps of Engineers, New York District.

ACTION: Notice.

SUMMARY: This notice identifies the surplus real property located at the U.S. Army Reserve Facility Bellmore, located in Bellmore, Nassau County, New York. The Bellmore Reserve Facility is located approximately three (3) miles from the Southern State Parkway.

FOR FURTHER INFORMATION CONTACT: Additional information regarding particular properties identified in this Notice (i.e., acreage, floor plans, existing sanitary facilities, exact street address), contact Ms. Maria Anglada, Army Corps of Engineers, 26 Federal Plaza, Room, 2007, New York, NY 10278–0090 (telephone 212–264–9109, fax 212–264–0230); or Ms. Linda Duncan, Base Transition Coordinator, Fort Hamilton, Brooklyn, New York (telephone 718–630–4510).

SUPPLEMENTARY INFORMATION: This surplus property is available under the provisions of the Federal Property and Administrative Services Act of 1949 and the Base Closure Community Redevelopment and Homeless Assistance Act of 1994. Notices of interest should be forwarded to the Bellmore Re-Use Planning Group, ATTN: Commissioner Robert Francis, Department of Planning & Economic Development, 200 North Franklin Street, Hempstead, New York 11550, (516) 489–5000.

The surplus real property totals approximately 16 acres and includes two (2) office buildings, two (2) storage buildings, and three (3) other buildings. The current uses include industrial, storage and commercial facilities. Future uses may be limited to those described above.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–8427 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–06–M

Availability of Draft Master Plan and Supplement to the Environmental Impact Statement for the Lake Seminole Hydrilla Action Plan, Florida-Georgia-Alabama

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: The Mobile District, U.S. Army Corps of Engineers has completed a draft report disclosing the environmental, engineering, and economic aspects of numerous hydrilla management options for Lake Seminole, Florida-Georgia-Alabama. The comment period for this draft document ends on May 28, 1996.

FOR FURTHER INFORMATION CONTACT: For more information on this draft document, please contact Mr. Michael J. Eubanks, U.S. Army Engineer District, Mobile, ATTN: CESAM–PD–EI, P.O. Box 2288, Mobile, AL 36628–0001, (telephone (334) 694–3861 or 1–800–421–7637).

SUPPLEMENTARY INFORMATION: Hydrilla, a non-native submersed aquatic plant, is causing significant water resource use problems on Lake Seminole, a 37,500 acre Corps reservoir. Hydrilla increased from 1 acre in 1967 to a maximum of 24,000 in 1992. The current (1995) acreage has been reduced to 18,200 acres as a result of repeated herbicidal treatments and significant flooding during 1994. Numerous hydrilla management options have been used in the past on Lake Seminole, with herbicidal applications having been the most effective technique demonstrated to date. Alternatives discussed in this evaluation include: no action (no hydrilla control); mechanical control (harvesters); biological control with insects or plant pathogens; sterile grass carp (confined and unconfined options); lake drawdown; traditional herbicide program; herbicide drip delivery system; and, combinations of these alternatives (integrated hydrilla management). An integrated hydrilla management alternative, with components from the confined grass carp, herbicide drip delivery system, and a reduced traditional herbicide program is the draft recommended plan. The average annual cost for this plan is $566,546; is economically justified based on recreation benefits; and results in control of hydrilla at the priority hydrilla management areas and would significantly reduce the total hydrilla acreage to from the maximum hydrilla

acreage of 24,000 acres that occurred in 1992, to 14,000 acres.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–8390 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–CR–M

Intent To Prepare a Joint Draft Environmental Impact Statement (EIS) and Environmental Impact Report (EIR) for Pine Flat Dam Fish and Wildlife Habitat Restoration Investigation, California

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), lead agency under the National Environmental Policy Act, and the Kings River Conservation District (KRCD), lead agency under the California Environmental Quality Act, intend to prepare a joint document to evaluate the environmental effects of the proposed habitat restoration in the vicinity of Pine Flat Dam.

The study purpose is environmental restoration. The investigation will analyze several measures evaluated in the reconnaissance phase study, and will identify a feasible fish and wildlife restoration plan. Measures to be evaluated include construction of a multi-level intake structure at Pine Flat Dam, water transfers, and riparian restoration downstream of Pine Flat Dam.

FOR FURTHER INFORMATION CONTACT:

An issues-scoping meeting for the investigation is scheduled for April 24, 1996, from 5:30 to 7:30 p.m. at Fresno Metropolitan Flood Control District, 5469 East Olive Avenue, Fresno, CA 93727. Please address any questions regarding the EIS/EIR to Ms. Patricia Roberson, Planning Division, Environmental Resources Branch, Corps of Engineers, 1325 J Street, Sacramento, CA 95814–2922. She can also be reached by telephone at (916) 557–6705.

SUPPLEMENTARY INFORMATION:

1. Project Location

(a) The study area, the Kings River basin, is located in the southeasterly portion of the San Joaquin Valley (see figure 1). The Kings River basin is bounded on the north by the San Joaquin River basin and on the south by the Kaweah River basin. The Kings River originates high in the Sierra Nevada and flows in a southwesterly direction as it leaves the foothills and enters the San Joaquin Valley. Below Pine Flat Dam, the Kings River flows divide into numerous channels which converge into a single channel before bifurcating into Kings River North and Kings River South. Kings River North flows into the San Joaquin River and Kings River South flows into the Tulare Lake.

(b) Pine Flat Dam, completed by the Corps in 1954 and situated about 25 miles east of the City of Fresno, impounds Kings River flows for flood control, water conservation, recreation, and hydroelectric power generation. Pine Flat Lake has a capacity of about one million acre-feet at gross pool. Downstream of Pine Flat Dam, the Corps constructed levees, channel improvements, and weirs to control flood flows.

2. Proposed Action and Alternatives

(a) The Corps and KRCD, the non-Federal sponsor, are conducting a feasibility investigation to identify and evaluate alternative measures to restore fish and wildlife habitat in the vicinity of Pine Flat Dam.

(b) The feasibility report and EIS/EIR will include the alternatives analyzed in the 1994 reconnaissance report and carried forward for analysis in the feasibility phase. These alternatives include the no-action alternative and the following restoration measures: (1) A multi-level intake structure designed to fit over the existing penstock intakes and allow water to be withdrawn from higher reservoir elevations; (2) riparian restoration at a site near the Friant-Kern Canal siphon on the Kings River; and (3) a water transfer plan that would exchange Central Valley Project water and Pine Flat water to augment instream flows below Pine Flat Dam in late summer and fall.

3. Environmental Consequences

(a) The lead agencies have identified potential environmental effects of the proposed action in the following areas:

- aquatic, wetland, and riparian habitats
- fish and wildlife populations
- esthetics, recreation opportunity and use
- air quality
- water quality
- cultural resources
- threatened and endangered species

4. Scoping Process

a. ‘‘Scoping’’ is a process to identify the actions, alternatives, and effects to be evaluated in an environmental document. The public is invited to assist the lead agencies in scoping this EIS/EIR. The process provides an opportunity for the public to identify significant resources within the study area that may be affected by the project. To facilitate this involvement, a public scoping meeting will be held in Fresno on April 24, 1996 from 5:30 to 7:30 p.m. at the Fresno Metropolitan Flood Control District, 5469 East Olive Avenue, Fresno, CA 93727. A summary of the meeting will be made. Individuals, organizations, and agencies are also encouraged to submit written scoping comments by May 10, 1996.

b. After the draft EIS/EIR is prepared, it will be circulated to all interested parties for review and comment. Public meetings will be held to receive verbal and written comments. All comments will be considered and responded to in the final EIS/EIR.

5. Availability

The draft EIS/EIR is scheduled to be distributed for public review and comment in 1998. All persons interested in receiving the draft document should contact Ms. Trina Farris at 557–6777.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

BILLING CODE 3710–EZ–M

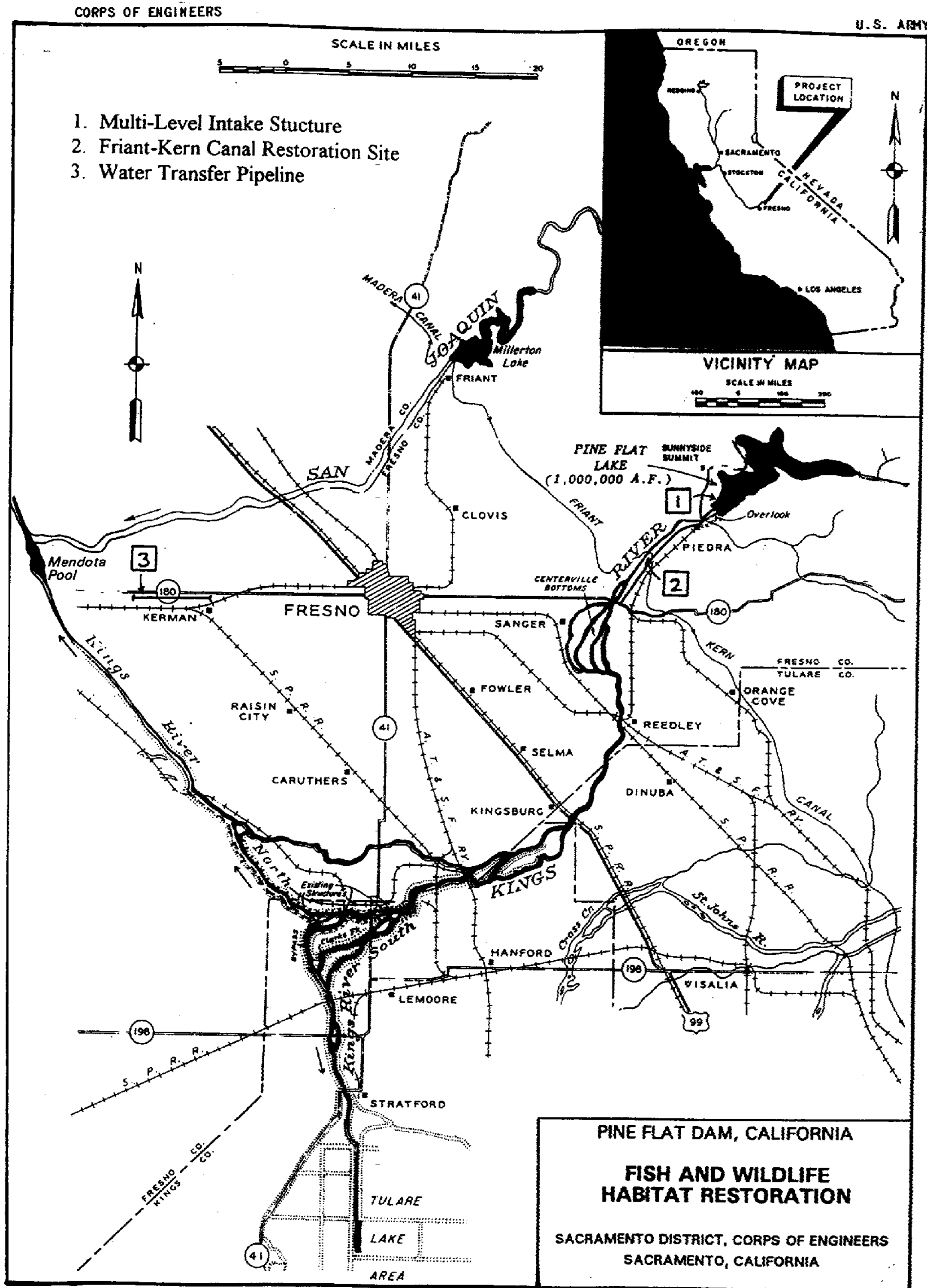

FIGURE 1

[FR Doc. 96–8423 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–EZ–C

Notice of Availability for the Final Poplar Island Restoration Feasibility Study and Environmental Impact Statement (EIS); Project Location Is Near Tilgham Island, in Talbot County, Maryland

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of availability.

SUMMARY: The U.S. Army Corps of Engineers, Baltimore District, has prepared a Feasibility Study and Environmental Impact Statement for the restoration of Poplar Island to its approximate size in 1847. In accordance with the National Environmental Policy Act (NEPA) and Section 404 of the Clean Water Act, the District is conducting public coordination and distributing the documents for public review and comment.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed actions, Feasibility Study, and EIS can be addressed to Study Manager, Baltimore District, U.S. Army Corps of Engineers, ATTN: CENAB–PL–PC, P.O. 1715, Baltimore, Maryland 21203–1715, telephone (410) 962–3639. E-mail: stacey.e.brown@ccmail.nab.usace.army.mil.

SUPPLEMENTARY INFORMATION:

Background

Currently, the name Poplar Island refers to a group of four small remnant islands, located adjacent to Jefferson and Coaches Islands in the upper middle Chesapeake Bay. The project location is approximately one mile north of Tilghman Island, on the Bay's eastern shore.

1. Island restoration would create, 1,110 acres of wildlife habitat by placing, shaping, and planting approximately 38 million cubic yards of clean dredged material. The habitat created would include approximately 555 acres each of intertidal wetlands and upland habitat. The material would be dredged during maintenance of the southern approach channels to Baltimore Harbor and placed behind containment dikes at the project site. The plan includes a 35,000-ft perimeter dike surrounding the four remnant islands and protecting the south side of Coaches Island. The containment dike on the west side of the restored island will be constructed of on-site sand and armor stone brought to the site.

2. Poplar Island has been identified by the U.S. Fish and Wildlife Service, the Maryland Department of Natural Resources, and many other natural resource management agencies as a valuable nesting and nursery area for many species of wildlife, including black duck, bald eagles, osprey, heron, and egret. Habitat for many wildlife species native to the upper Chesapeake is sparse and degrading in the project area. The complex of upland, wetland, near-shore, and shoal habitats that will result form the restored island will offer a diversity of habitat resources. The project design includes development of 50% wetland and 50% upland habitat. Of the wetlands, 80% will be developed as low marsh and 20% as high marsh. Small upland islands, ponds, and dendritic guts or channels will be created to increase habitat diversity within the marsh areas. It is expected that habitat diversity will be increased in the upland areas by constructing small ponds and providing both forested and relatively open scrub/shrub areas.

3. The decision to implement this action is being based on an evaluation of the probable impact of the proposed activities on the public interest. The decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposed project are being balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal, including the cumulative effects thereof, are being considered; among these factors are economics, aesthetics, general environmental concerns, wetlands, cultural values, flood hazards, fish and wildlife values, flood plain values, land use, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, and the general needs and welfare of the people.

4. The Environmental Impact Statement (EIS) describes the impacts of the proposed projects on environmental and cultural resources in the study area. The EIS also applies guidelines issued by the Environmental Protection Agency, under authority of the Clean Water Act of 1977 (Pub. L. 95–217). An evaluation of the proposed actions on the waters of the United States was performed pursuant to the guidelines of the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 of the Clean Water Act. The proposed dredging, construction, and placement of dredged material is in compliance with Section 404(b)(1) guidelines.

5. In accordance with the National Environmental Policy Act and the Clean Water Act, the Corps of Engineers has solicited comments form the public, Federal, state and local agencies and officials, and other interested parties. Any comments received are being considered by the Corps of Engineers in the decision to implement the project. To make this decision, comments are being used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments regarding the environmental restoration proposal have been incorporated into the Final Environmental Impact Statement are required by NEPA. Public comments were also used to determine the overall public interest. Opportunities for public comment included a series of three public scoping and information meetings and a final public hearing, held in November 1995, to present the proposed project and draft EIS. In addition, a number of informal meetings were held in order to present information to citizen interest groups, including watermen, charterboat captains, local officials, and regional planners. The public review and comment period for the draft feasibility study and draft EIS began on 13 November 1995 and closed on 25 January 1996. Comments received throughout the study process have been incorporated into the final EIS.

6. This Notice of Availability is being sent to organizations and individuals known to have an interest in the restoration of Poplar Island. Please bring this notice to the attention of any other individuals with an interest in this matter. Copies of the EIS are available upon request or for review at the following locations:

Talbot County Free Library, 100 W. Dover St., Easton, MD.
St. Michales Branch, Talbot County. Free Library, 106 No. Fremont St., St. Michaels, MD.
Dorchester County Public Library, 303 Gay St., Cambridge, MD.
Frederick Douglas Library, University of Maryland, Eastern Shore, Princess Anne, MD.
Twin Beaches Library, 3819 Harbor Rd., Chesapeake Beach, MD.
Enoch Pratt Free Library, 400 Cathedral St., Baltimore, MD.

7. Requests for copies of the EIS may be mailed to the following address: District Engineer, ATTN: CENAB–PL–PC, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, MD 21203–1715.

Gregory D. Showalter,
Army Federal Register Liaison Officer.

[FR Doc. 96–8424 Filed 4–4–96; 8:45 am]
BILLING CODE 3710–41–M

Inland Waterways Users Board

AGENCY: U.S. Army Corps of Engineers.

ACTION: Notice of open meeting.

SUMMARY: In Accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the next meeting of the Inland Waterways Users Board. The meeting will be held on May 8, 1996, at the George A. Morris Army Reserve Center, Room #2, 1265 Porters Chapel Road, Vicksburg, MS 39180, (Tel. 601–631–6102). Registration will begin at 8:30 AM and the meeting is scheduled to adjourn at 4:00 pm. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CECW–PD, Washington, D.C. 20314–1000.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–8389 Filed 4–4–96; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of Proposed Information Collection Requests.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: An emergency review has been requested in accordance with the Act (44 U.S.C. Chapter 3507 (j)), since public harm is reasonably likely to result if normal clearance procedures are followed. Approval by the Office of Management and Budget (OMB) has been requested by April 4, 1996.

A regular clearance process is also beginning. Interested persons are invited to submit comments on or before June 4, 1996.

ADDRESSES: Written comments regarding the emergency review should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer: Department of Education, Office of Management and Budget, 725 17th Street NW., Room 10235, New Executive Office Building, Washington, D.C. 20503. Requests for copies of the proposed information collection request should be addressed to Patrick J. Sherrill, Department of Education, 7th & D Streets S.W., Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Written comments regarding the regular clearance and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651, or should be electronic mailed to the internet address #FIRB@ed.gov, or should be faxed to 202–708–9346.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. 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 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3506(c)(2)(A) requires that the Director of OMB provide interested Federal agencies and the public an early opportunity to comment on information collection requests. The Office of Management and Budget (OMB) may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group, publishes this notice containing proposed information collection requests at the beginning of the Departmental review of the information collection. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. ED invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 1, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.

Title: Application for State Grants Program for Technology-Related Assistance for Individuals with Disabilities Act of 1988.

Frequency: Annually.

Affected Public: State, local or Tribal Gov't SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 56.

Burden Hours: 1,680.

Abstract: In order to implement the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, states will be required under statutory authority to submit extension applications and performance reports.

[FR Doc. 96–8409 Filed 4–4–96; 8:45 am]

BILLING CODE 4000–01–P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 4, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. 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 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of

1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology, and (6) Abstract. Because an emergency review is requested, the additional information to be requested in this collection is included in the section on ''Additional Information'' in this notice.

Dated: April 1, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Postsecondary Education

Type of Review: New.

Title: Descriptive, Comparative Analysis and Evaluation of the Business and Education Standards Projects.

Frequency: One Time.

Affected Public: Businesses or other for-profit; State, local or Tribal Gov't, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 16.

Burden Hours: 40.

Abstract: The purpose of this evaluation is to describe, analyze, compare and evaluate the 16 skill Standards projects funded by the Business and Education Standards projects. The study is intended to inform the National Skill Standards Board, authorized by the Goals 2000: Educate America Act, regarding endorsement criteria for establishment of occupational clusters, establishment of partnerships to create skill standards and identification of areas regarding more research in the skill standard arena. The study will also inform policymakers within the Department of Education about what has been learned from the projects that could assist in the broader education reform agenda being pursued by the Department.

Office of the Under Secretary

Type of Review: New.

Title: Evaluating States' Planning and Implementation of Goals 2000 and the Elementary and Secondary Education Act.

Frequency: One Time.

Affected Public: State, local or Tribal Government, SEAs or LEAs.

Annual Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 500.

Abstract: The Department of Education is charged with evaluating Title I of ESEA and other elementary and secondary education legislation enacted by the 103rd Congress. These surveys will collect information on the operations and effects at the state level of legislative provisions and federal assistance, in the context of state education reform efforts. Findings will be used in reporting to Congress and improving information dissemination. Respondents are managers in 9 programs in all 50 state education agencies.

Office of the Under Secretary

Type of Review: Reinstatement.

Title: Drug-Free Schools and Communities Act: Outcomes of State and Local Programs.

Frequency: One time.

Affected Public: State, local or Tribal Government, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 114.

Burden Hours: 3,990.

Abstract: Section 5127 of the Drug-Free Schools and Communities Act (DFSCA) requires states to submit to the Secretary on a biennial basis information on the activities carried out by state, local, and Governors' DFSCA programs. This one-time collection will be used to meet DFSCA reporting requirements for 1993–95 and will serve as the basis for the Department's required report to Congress on the program's activities for that period.

[FR Doc. 96–8410 Filed 4–4–96; 8:45 am]

BILLING CODE 4000–01–P

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of closed committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Search Committee of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the meeting.

DATES: April 9, 1996.

TIME: 4 p.m. to approximately 5:30 p.m.

LOCATION: Park Suite Room Six, Sheraton New York Hotel and Towers, 811 7th Avenue, New York, NY 10019.

FOR FURTHER INFORMATION CONTACT: Charles Hansen, Designated Federal Official, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Washington, DC 20208–7579, Telephone: (202) 219–2050.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The meeting of the Search Committee is closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemptions (2) and (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b(c) (2) and (6)). In discussing candidates for the position of Executive Director, the Committee will consider matters that relate solely to the internal rules and practices of the Board and the credentials, personal qualifications and

experience of potential candidates for the position of executive director, matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

The public is being given less than the required 15 days' notice because of the difficulty in accommodating the schedules of all members of the Search Committee, which must complete its selection and interview process prior to the next full Board meeting on June 6.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Ave., NW., Washington, DC 20208–7564.

Dated: April 1, 1996.

Sharon P. Robinson,

Assistant Secretary.

[FR Doc. 96–8419 Filed 4–4–96; 8:45 am]

BILLING CODE 4000–01–M

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of closed committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Search Committee of the National Educational Research Policy and Priorities Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the meeting.

DATES: May 6 and 7, 1996.

EFFECTIVE DATE: 8:30 a.m. to 5 p.m.

TIME: 8:30 a.m. to 5 p.m.

LOCATION: First Floor Conference Room, 80 F Street NW., Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Charles E. Hansen, Designated Federal Official, Office of Educational Research and Improvement, 555 New Jersey Avenue NW., Washington, DC 20208–7579. Telephone: (202) 219–2050.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The meeting of the Search Committee is closed to the public under the authority of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. Appendix 2) and under exemption (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409; 5 U.S.C. 552b(c)(6)). In interviewing candidates for the position of Executive Director, the Committee will consider the credentials, personal qualifications and experience of candidates for the position of executive director, matters that would disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within 14 days of the meeting.

Records are kept of all Board proceedings, and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 555 New Jersey Ave., NW., Washington, DC 20208–7564.

Dated; April 1, 1996.

Sharon P. Robinson,

Assistant Secretary.

[FR Doc. 96–8420 Filed 4–4–96; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Environmental Impact Statement for the Continued Operation of the Pantex Plant and Associated Storage of Nuclear Weapon Components

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability for public review and comment of the Draft Environmental Impact Statement (EIS) for the Continued Operation of the Pantex Plant and Associated Storage of Nuclear Weapon Components (DOE/EIS–0225). The Department's preferred alternative is to continue nuclear weapons operations at the Pantex Plant, located near Amarillo, Texas; to implement projects and facility upgrades consistent with fulfilling these operations; and to increase interim storage levels for plutonium components (pits) from 12,000 to 20,000 pits. The Draft EIS also evaluates a No Action Alternative and a Relocation of Interim Pit Storage Alternative.

DATES: DOE invites the general public, other government agencies, and all other interested parties to comment on this Draft EIS. The information obtained during this period will assist DOE in finalizing this EIS. Comments received by DOE must be postmarked no later than July 5, 1996 to ensure consideration in the Final EIS. Comments postmarked after that date will be considered to the extent practicable.

The Department will hold public meetings at the potentially affected sites to receive comments on the Draft Pantex EIS at the times and locations listed below. Meetings on the dates identified with an asterisk (*) are joint public meetings to be held in coordination with the Pantex Draft EIS, the Stockpile Stewardship and Management Draft Programmatic EIS, and the Storage and Disposition of Weapons-Usable Fissile Materials Draft Programmatic EIS:

April 22–23, 1996*
Radisson Inn Airport, 7909 I–40 East at Lakeside, Amarillo, Texas 79104, Time: April 22; 6:00 pm to 11:00 pm; April 23; 8:30am to 12:00 pm and 1:00 pm to 6:00 pm

April 25, 1996
Community College of Southern Nevada—Cheyenne Campus, 3200 East Cheyenne Avenue, North Las Vegas, Nevada 89030, Time: 3:00 pm to 5:00 pm and 6:00 pm to 9:00 pm

April 30, 1996*
North Augusta Community Center, 495 Brookside Avenue, North Augusta, South Carolina 29841, Time: 8:00 am to 1:00 pm and 6:00 pm to 11:00 pm

May 2, 1996
Red Lion Inn, 802 George Washington Way, Richland, Washington 99352, Time: 3:00 pm to 5:00 pm and 6:00 pm to 9:00 pm

May 7, 1996
Albuquerque Convention Center, 401 Second Street, NW, Albuquerque, New Mexico 87102, Time: 3:00 pm to 5:00 pm and 6:00 pm to 9:00 pm

Public meeting times and locations will be published in local newspapers prior to the meeting dates.

ADDRESSES: Written comments and requests should be directed to: Ms. Nanette Founds, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico, 87185–5400. Written comments, suggestions, and requests

can also be submitted using the Pantex Plant EIS Faxline at 1–800–822–5499. Facsimiles should be marked: Pantex Plant EIS. Oral comments and requests concerning this EIS may also be submitted by calling the Pantex Plant EIS Hotline at 1–800–788–0306. Comments may also be submitted via the Internet. The e-mail address is: tetratec@indirect.com.

FOR FURTHER INFORMATION CONTACT: For information on DOE's NEPA process, please contact: Ms. Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC, 20585, 202–586-4600 or 1–800–472–2756. For information on this EIS, please contact: Ms. Nanette Founds at the above address or by calling (505) 845–4351.

SUPPLEMENTARY INFORMATION: Pantex Plant, near Amarillo, Texas, is the Nation's nuclear weapons assembly and disassembly site. Its assigned missions also include the fabrication of high explosive components and the maintenance, modification and evaluation of existing nuclear weapons. However, its current workload is centered on the dismantlement of nuclear weapons being retired from the military stockpile. There are currently no plans for producing new weapons. The preferred alternative is to maintain Pantex Plant's assigned missions as well as increase the plant's onsite interim storage levels from 12,000 to 20,000 pits. The Draft EIS also evaluates a No Action Alternative, which would continue current activities with no new projects or facility upgrades and limit onsite interim storage to 12,000 pits and a Relocation of Pit Storage Alternative, in which some or all of Pantex interim storage activities would be relocated to an alternate site: the Savannah River Site near Aiken, South Carolina; the Nevada Test Site near Las Vegas, Nevada; the Hanford Site near Richland, Washington; or the Manzano Weapons Storage Area at Kirtland Air Force Base near Albuquerque, New Mexico.

This Draft EIS incorporates public comments received during two scoping periods (59 FR 26635, May 23, 1994; 60 FR 32661, June 23, 1995). Copies of all comments and associated EIS documentation prepared by DOE are available for inspection at the following locations:

U.S. Department of Energy, Freedom of Information Reading Room, Room 1E–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20825, 202–586–6020

U.S. Department of Energy, Nevada Operations Office Public Reading Room, 2753 S. Highland Avenue, Las Vegas, Nevada 89109, 702–295–1274

U.S. Department of Energy, National Atomic Museum Public Reading Room, Kirtland Air Force Base, Building 20358, Wyoming Boulevard, Albuquerque, New Mexico 87115, 505–845–6670/4378

Los Alamos National Laboratory, Community Reading Room, Museum Parke Office Complex, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico 87544, 505–665–2127 or 1–800–543–2342

U.S. Department of Energy, Public Document Room, 2nd Floor, University Library, University of South Carolina, Aiken Campus, 171 University Parkway, Aiken, South Carolina 29801, 803–648–6851

Oak Ridge Public Reading Room, 55 Jefferson Avenue, Oak Ridge, Tennessee 37830, 615–576–0887

U.S. Department of Energy Public Reading Room, Reference Department, Lynn Library and Learning Center, Amarillo College, 2201 South Washington, 4th Floor, Amarillo, Texas 79109, 806–371–5400

Pantex EIS Public Information Center, c/o Tetra Tech, Inc., 6900 I–40 West, Suite 260, Amarillo, Texas, 806–355–9480

U.S. Department of Energy Public Reading Room, Carson County Public Library, 401 Main Street, P.O. Box 339, Panhandle, Texas 79068, 806–537–3742

U.S. Department of Energy, Public Reading Room, Washington State University, 100 Sprout Road, Richland, Washington 99352, 509–376–8583

Subsequent Document Preparation

DOE intends to complete the Final EIS and prepare a response to comments received during the review of the Draft EIS in October 1996 and will announce its availability in the Federal Register.

Issued in Washington, DC, on March 29, 1996.

Henry K. Garson,

Associate Deputy Assistant, Secretary for Core Technical Support and Facility Transition, Defense Programs.

[FR Doc. 96–8290 Filed 4–4–96; 8:45 am]

BILLING CODE 6450–01–P

Draft Programmatic Environmental Impact Statements on Storage and Disposition of Weapons-Usable Fissile Materials and Stockpile Stewardship and Management

AGENCY: Department of Energy.

ACTION: Notice of additional public meeting session.

On March 8, 1996, the Department announced the availability of the Storage and Disposition of Weapons-Usable Fissile Materials Draft Programmatic Environmental Impact Statement and the Draft Programmatic Environmental Impact Statement for Stockpile Stewardship and Management (61 FR 9443). In addition to the Washington, D.C. public meeting scheduled for the morning of April 18, 1996 on the Draft EISs, the Department intends to provide an additional session on the afternoon of April 17, 1996 from 1:00 p.m. to 4:30 p.m. at the Forrestal Building, Room 6E–069/081, 1000 Independence Avenue, S.W., Washington, D.C.

To pre-register for this meeting (optional) and to obtain related information call 1–800–820–5134.

Issued in Washington, DC, April 1, 1996.

David B. Leclaire,

Deputy Assistant Secretary for Defense Programs.

Gregory P. Rudy,

Acting Director, Office of Fissile Materials Disposition.

[FR Doc. 96–8500 Filed 4–4–96; 8:45 am]

BILLING CODE 6450–01–P

Financial Assistance Award (GRANT)

AGENCY: U. S. Department of Energy (DOE).

ACTION: Solicitation of Applications for Grant Awards for High-Energy Density and Laser-Matter Interaction Studies.

SUMMARY: Pursuant to 10 CFR 600.15, the U. S. DOE announces that it plans to conduct a technically competitive solicitation for basic research experiments in high energy density and laser matter interaction studies at the National Laser Users' Facility (NLUF) located at the University of Rochester Laboratory for Laser Energetics (UR/LLE).

Grant Solicitation No. DE–PS03–96SF21040. Universities or other higher education institutions, private sector not-for-profit organizations, or other entities are invited to submit grant applications. The total amount of funding expected to be available for Fiscal Year 1997 (FY97) program cycle is $700,000. Multiple awards are anticipated.

FOR FURTHER INFORMATION CONTACT: James Solomon, Contracting Officer, DOE Oakland Operations Office, 1301 Clay Street, Room 700N, Oakland, CA 94612–5208, Telephone No. (510) 637–1865.

SUPPLEMENTARY INFORMATION: The solicitation is targeted for release approximately April 19, 1996. The actual work to be accomplished will be determined by the experiments and diagnostic techniques that are selected for award. Proposed experiments and diagnostic techniques will be evaluated through scientific peer review against predetermined, published and available criteria. Final selection will be made by the DOE. It is anticipated that multiple

grants will be awarded within the available funding. The unique resources of the NLUF are available to scientists for state-of-the art experiments primarily in the area of inertial confinement fusion (ICF) and related plasma physics. Other areas such as spectroscopy of highly ionized atoms, laboratory astrophysics, fundamental physics, material science, and biology and chemistry will be considered on a secondary basis.

The LLE was established in 1970 to investigate the interaction of high power lasers with matter. Available at the LLE for NLUF researchers is the upgraded OMEGA LASER, a 30 kJ UV 60 beam laser system (at 0.35 um) suitable for direct-drive ICF implosions, and the Glass Development Laser (GDL), a 1 trillion watt, single beam prototype for the OMEGA (at 0.35um). The systems are suitable for a variety of experiments including laser-plasma interactions and atomic spectroscopy. The NLUF program for FY97 is to concentrate on experiments that can be done with the OMEGA laser at the University of Rochester and development of diagnostic techniques suitable for the OMEGA system.

Measurements of the laser coupling, laser-plasma interactions, core temperature, and core density are needed to determine the characteristics of the target implosions. Diagnostic techniques could include either new instrumentation, development of analysis tools, or development of targets that are applicable for 30 kJ implosions. Additional information about the facilities and potential collaboration at the NLUF can be obtained from: Dr. James Knauer, Manager, National Laser Users' Facility, University of Rochester/LLE, 250 East River Road, Rochester, NY 14623.

Issued in Oakland, CA, March 20, 1996.

Joan Macrusky,

Chief, Financial Assistance Branch, Program Acquisition and Assistance Division.

[FR Doc. 96–8499 Filed 4–4–96; 8:45 am]

BILLING CODE 6450–01–P

Office of Energy Research

Energy Research Financial Assistance Program Notice 96–13: Research in Photochemistry

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Basic Energy Sciences (BES) of the Office of Energy Research (ER), U.S. Department of Energy, hereby announces its interest in receiving grant applications in support of the Photochemistry and Radiation Sciences program, as described in the recent workshop report entitled, ''Research Opportunities in Photochemical Sciences''.

DATES: Potential applicants are strongly encouraged to submit a brief preapplication. All preapplications, referencing Program Notice 96–13, should be received not later than 4:30 PM, E.D.T., April 30, 1996. A response discussing the potential program relevance of a formal application generally will be communicated to the applicant within 15 days of receipt. The deadline for receipt of the formal applications is 4:30 PM, E.D.T., May 29, 1996, in order to be accepted for merit review and to permit timely consideration for award in fiscal year 1996.

ADDRESSES: All preapplications, referencing Program Notice 96–13, should be sent to Dr. Silvia E. Ronco, Chemical Sciences Division, ER–141, Office of Basic Energy Sciences, Office of Energy Research, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290.

After receiving notification from DOE concerning successful preapplications, applicants may prepare formal applications and send them to: U.S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, Attn: Program Notice 96–13. The above address for formal applications also must be used when submitting formal applications by U.S. Postal Service Express Mail, any commercial mail delivery service, or when handcarried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Silvia E. Ronco, Chemical Sciences Division, ER–141, Office of Basic Energy Sciences, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874–1290. Telephone: (301) 903–6891.

SUPPLEMENTARY INFORMATION: A workshop entitled ''Research Opportunities in Photochemical Sciences'', organized by the Office of Basic Energy Sciences, was held February 5–8, 1996 in Estes Park, Colorado. The purpose of that meeting was to provide a forum to discuss and highlight the importance and relevance of basic research in various facets of photochemistry and related scientific fields to present and future technologies. There is a report available to the scientific and energy technology community, which contains a Recommendations for Future Research section via the Internet using the following E-mail address: http://www.er.doe.gov/production/bes/chm/chmhome.html. The Chemical Sciences Division interests are in the areas of Photochemistry. The Materials Sciences Division has continuing interest in photovoltaic materials and their materials chemistry.

The brief preapplication should consist of two to three pages of narrative describing the research objectives and methods of accomplishment. Telephone and FAX numbers are required parts of the preapplication, and electronic mail addresses are desirable.

It is anticipated that up to $500,000 can be made available for grant awards during FY 1996, contingent upon availability of appropriated funds. The number of awards and the range of funding will depend on the number of applications received and selected for award. Multiple-year funding of grant awards is expected and is also contingent upon availability of funds. Renewal of the award for another term will be dependent upon success factors such as publications and peer-review of the renewal application. Applications will be subjected to formal merit review and will be evaluated against the following criteria which are listed in descending order of importance as set forth in 10 CFR Part 605:

1. Scientific and/or technical merit of the project;
2. Appropriateness of the proposed method or approach;
3. Competency of applicant's personnel and adequacy of proposed resources;
4. Reasonableness and appropriateness of the proposed budget.

In fiscal year 1997, it is expected that funds will be available to support research in photochemistry, subject to fiscal year 1997 appropriations. Complete information about the photochemistry program may be obtained from either Dr. Silvia E. Ronco at the above address or from Dr. Mary E. Gress at the same address or at (301)903–5827. To be considered for possible fiscal 1997 funding, potential applicants may submit applications at any time after the May 29, 1996 due date set forth in this notice. The submission of brief preapplications prior to submitting formal applications is encouraged. Information about the development, submission, and the selection process, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the U.S. Department of Energy, Chemical Sciences Division,

Office of Energy Research, ER–141, 19901 Germantown Road, Germantown, MD 20874–1290. Telephone requests may be made by calling (301) 903–5820. Electronic access to ER's Financial Assistance Guide is possible via the Internet using the following E-mail address: http://www.er.doe.gov/production/grants/grants.html.

The catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC, on March 25, 1996.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 96–8501 Filed 4–4–96; 8:45 am]

BILLING CODE 6450–01–P

Energy Research Financial Assistance Program Notice 96–14; High Performance Computing and Communications Grand Challenge Applications

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The staff of the Mathematical, Information, and Computational Sciences (MICS) Division of the Office of Computational and Technology Research (OCTR), Office of Energy Research (ER), U. S. Department of Energy (DOE) announces its interest in receiving grant applications for research grants for High Performance Computing and Communications Grand Challenge Applications.

DATES: Formal applications submitted in response to this notice must be received not later than 4:30 p.m. E.D.T., June 15, 1996, to permit timely consideration for award early in fiscal year 1997.

ADDRESSES: Formal applications, referencing Program Notice 96–14, should be forwarded to: U. S. Department of Energy, Office of Energy Research, Grants and Contracts Division, ER–64, 19901 Germantown Road, Germantown, Maryland 20874–1290, Attn: Program Notice 96–14. The above address also must be used when submitting formal applications by U. S. Postal Service Express Mail, any commercial mail delivery service, or when handcarried by the applicant.

FOR FURTHER INFORMATION CONTACT: Dr. Walter C. Ermler, Office of Energy Research, U.S. Department of Energy, OCTR/MICS, ER–31, 19901 Germantown Road, Germantown, MD 20874–1290, Tel: (301) 903–5800.

SUPPLEMENTARY INFORMATION: High Performance Computing and Communications (HPCC) Grand Challenge Applications (GCAs) address computation-intensive fundamental problems in science and engineering whose solutions can be advanced by applying HPCC technologies and resources. This solicitation constitutes Phase II of the DOE HPCC GCAs program. DOE GCAs will be restricted to DOE mission areas and relevant research programs of the DOE Office of Energy Research.

Each of the GCA projects will be comprised of two components, Research and Infrastructure. The three-year program for 3–6 GCAs will designate a total of $3–6M per year, subject to the availability of FY 1997 funds, to a scientific or engineering Research component which will be accompanied by an Infrastructure component that will provide the required computational, storage, networking, and software support. The value of this enabling Infrastructure component is anticipated to be a total of $6–12M per year. Support for the Research component will be provided to the sponsoring institution(s) of the PI(s) while the funding of the Infrastructure component will be allocated directly to the computing centers(s) providing the enabling computational support. This requires that the GCAs are substantial collaborations between the PI(s) and the professional staff at the computing center(s) at which the computational research is to be carried out and that grant applications reflect this structure. Furthermore, applications must describe in detail the requirements from the computing centers housing the computational platforms to be used for the research.

The OCTR/MICS-supported platforms are operated in the following computing centers: the Advanced Computing Laboratory of Los Alamos National Laboratory, the Center for Computational Sciences of Oak Ridge National Laboratory, the Mathematics and Computer Sciences Division of Argonne National Laboratory, and the National Energy Research Supercomputer Center of Lawrence Berkeley National Laboratory. While use of resources housed at facilities operated by other government agencies, academia, or private industry are acceptable, at least one of the platforms for carrying out the proposed research must be located at a computing center supported by OCTR/MICS. Furthermore, Infrastructure funds can only be allocated to one or more of the four OCTR/MICS-supported facilities. Information concerning platforms at these centers may be found through URL at the following:

http://www.er.doe.gov/production/octr/mics/index.html

Applications will be subjected to formal merit review (peer review) and will be evaluated against the following evaluation criteria listed in descending order of importance as codified for review of applications from the academic and industrial sectors in 10 CFR part 605:

1. Scientific and/or Technical Merit of the Project
2. Appropriateness of the Proposed Method or Approach
3. Competency of Applicant's Personnel and Adequacy of Proposed Resources
4. Reasonableness and Appropriateness of the Proposed Budget

Within the Scientific and/or Technical Merit criterion, above, the following subcriteria, listed in priority order, will be used for evaluation purposes:

i. Fundamental Significance: A fundamental science or engineering problem that has potential economic, societal, and/or scientific impact and that can be advanced by applying high performance computing resources.

ii. DOE Mission: The problem is significant to the missions of the DOE. The pertinent DOE Science or Engineering program in partnership with OCTR/MICS staff must validate the merit of the applications with regard to this criterion.

iii. HPCC Goals: The project is consistent with the goals of the Federal interagency HPCC program.

iv. Enabling Technologies: Rapid progress in software/hardware technologies should enable a substantial advance on the problem within the next few years. This criterion must be validated by OCTR/MICS staff in partnership with the pertinent DOE Science or Engineering Program.

v. Interdisciplinary Approach: An interdisciplinary approach involving scientists, engineers, mathematicians, and computer/computational scientists is strongly required.

vi. Support Leveraging: Funding leverage for the GCA provided by the partners—DOE Program Offices, other agencies, or institutions—will constitute the most sincere form of validation.

vii. Technology Leveraging: Probable advances in enabling software or hardware technologies developed by the proposed GCA that benefit other GCAs will be treated favorably, as will GCAs which use advanced software development frameworks.

viii. Computer Resources: The application should indicate the

appropriateness and adequacy of the Infrastructure-component resources for the GCA (architectures, peripheral storage facilities, networking, support staff, etc.).

ix. Multiple Platforms: Applications will also be evaluated based on the portability and extensibility of any system and/or software development technology proposed. For this reason, applicants are encouraged to involve more than one type of computing platform in their research project.

Within the Appropriateness of the Proposed Method or Approach criterion, above, special attention will be given to how the collaboration will be managed and to how results of the project are to be integrated into substantial advances in the field and the enabling computational technology.

External peer reviewers will be selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the computing center(s).

Details of the DOE HPCC program and its Phase I GCA projects are given in the following publication available from the U. S. Department of Energy, Office of Energy Research, OCTR/MICS, ER–31, 19901 Germantown Road, Germantown, MD 20874–1290, Tel: (301) 903–5800: ''The DOE Program in High Performance Computing and Communications'' (on-line version URL http://www.er.doe.gov/production/octr/mics/wb__95/wb__95.html).

The Federal interagency HPCC program is described in the following publications available from the National Coordination Office for High Performance Computing and Communications, Suite 665, 4201 Wilson Boulevard, Arlington, VA 22230, Tel: (703) 306–4722: ''High Performance Computing and Communications: Foundation for America's Information Future'' (on-line version available through URL http://www.hpcc.gov/blue96/index.html), ''High Performance Computing and Communications FY 1996 Implementation Plan'' (on-line version URL http://www.hpcc.gov/./imp96/index.html).

Information about the development and submission of applications, eligibility, limitations, evaluation, selection processes, and other policies and procedures may be found in 10 CFR Part 605, and in the Application Guide for the Office of Energy Research Financial Assistance Program. The Application Guide is available from the U. S. Department of Energy, Office of Energy Research, OCTR/MICS, ER–31, 19901 Germantown Road, Germantown, MD 20874–1290. Telephone requests may be made by calling (301) 903–5800. Electronic access to ER's Financial Assistance Guide is possible via the Internet using the following e-mail address: http://www.er.doe.gov/production/grants/grants.html. In addition to the formal application as described in the above publications, the staff of OCTR/MICS requires that a two-page summary be prepared by the Research component PI(s). The format and content of the summary is as follows:

Title of the GCA

Designated scientific leader
The single point of contact who represents the GCA team.

Home institution of the GCA
Not necessarily the proposing institution, but the organization/intellectual home institution.

Abstract of the proposed project
Not to duplicate criteria discussion below.

Participants, their institutions and addresses
Include E-mail addresses.

Partner DOE Program(s) and Program Office contacts
Reference participants by number if appropriate.

Address each of the nine criteria
Fundamental Significance, DOE Mission, HPCC Goals, Enabling Technologies, Interdisciplinary Approach, Support Leveraging, Technology Leveraging, Computer Resources, Multiple Platforms.

Approach to project integration
How the research collaboration will be managed and the resulting work integrated into a substantial advance for the research and the enabling computational technology.

Resource summary projections for FY 1997—FY 2000
Budget totals of Personnel, Equipment, etc. separating Personnel, Operating, and Capital (if applicable) by year. Computational resources needed (system and time). The totals should be given for the two components: Research and Infrastructure.

Project summary
Brief (less than one page) project summary for each participating (Research component) institution and computing center (Infrastructure component). Participants are to be identified by their role in the project. A resource summary projection is also required that includes whether subcontracts or direct funding are being sought.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR Part 605.

Issued in Washington, DC, on March 11, 1996.

John Rodney Clark,

Associate Director for Resource Management, Office of Energy Research.

[FR Doc. 96–8502 Filed 4–4–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. GT96–50–000]

Columbia Gas Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

April 1, 1996.

Take notice that on March 27, 1996, Columbia Gas Transmission Corporation (Columbia) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to be effective May 1, 1996.

First Revised Sheet No. 1
Third Revised Sheet No. 2
First Revised Sheet No. 121
First Revised Sheet No. 220
First Revised Sheet No. 275
First Revised Sheet No. 320
First Revised Sheet No. 436
First Revised Sheet No. 525

Columbia states that in the instant filing Columbia proposes to cancel, in its entirety, the SSS Rate Schedule. As Columbia stated in its October 26, 1995 tariff filing, pursuant to Section 281.204 of the Commission's Regulations, for the Annual Filing To Update Index of Entitlements (Docket No. GT96–23–000), as of August 1, 1995, Columbia no longer has any customers under the SSS Rate Schedule. Columbia is also revising other sheets that reference the SSS Rate Schedule.

Columbia states that copies of its filing have been mailed to all holders of Columbia's FERC Gas Tariff.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are

on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8405 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ96–5–23–000]

Eastern Shore Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

April 1, 1996.

Take notice that on March 28, 1996, Eastern Shore Natural Gas Company (ESNG) tendered for filing certain revised tariff sheets in the above captioned docket as part of its FERC Gas Tariff, First Revised Volume No. 1, with a proposed effective date of April 1, 1996.

ESNG states that the revised tariff sheets included herein are being filed pursuant to Section 21 of the General Terms and Conditions of ESNG's Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth herein reflect an increase of $0.3640 per dt in the Commodity Charge, as measured against ESNG's Out-Of-Cycle Quarterly Purchased Gas Adjustment filing, Docket No. TQ96–4–23–000, et. al., filed on January 30, 1996 to be effective February 1, 1996.

The commodity current purchased gas cost adjustment reflects ESNG's projected cost of gas for the month April 1996, and has been calculated using its best estimate on available gas supplies to meet ESNG's anticipated purchase requirements. The increased gas costs in this filing are a result of higher prices being paid to producers/suppliers under ESNG's market-responsive gas supply contracts.

ESNG respectfully requests waiver of the Commission's thirty (30) day notice requirement so as to permit it to place the subject rates into effect on April 1, 1996, as proposed. ESNG is unable to meet the thirty (30) day notice requirements because normal purchasing of gas supplies from producers/suppliers are always negotiated five working days prior to the end of each month (for the next month's supply). The normal time frame to order gas supply for the next month does not give ESNG any flexibility in order to make a filing in time for the ''notice requirement'' when gas prices spike upward (from projected) as they have for the month of April 1996. The Commission's waiver of the thirty (30) day notice requirement in the case of this instant filing would allow for a more accurate recovery of ESNG's costs and mitigate the deferred commodity costs which would occur in the absence of such waiver.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 and Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR Section 385.211 and Section 385.214). All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8407 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–255–000]

Trunkline LNG Company; Notice of Application

April 1, 1996.

Take notice that on March 18, 1996, Trunkline LNG Company (TLNG), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP96–255–000 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a fractional interest in two gas turbine power generators and appurtenant facilities at its LNG terminal at Lake Charles, Louisiana,[1] by transfer to PanEnergy Lake Charles Generation, Inc. (PELCG),[2] all as more fully set forth in the application on file with the Commission and open to public inspection.

TLNG proposes to abandon by transfer to PELCG a 75% undivided ownership interest (representing a nominal capacity of 24 megawatts) in two gas turbine generators. TLNG explains that one unit has been used to provide primary terminal electrical power to the LNG terminal, with the other unit providing emergency backup power. TLNG states that retention of a 25% undivided ownership interest in the two gas turbine units will allow TLNG to retain 8 megawatts, which TLNG states is more than sufficient to serve as a source of back-up power and to serve its peak power requirements for ship unloading at the terminal.

It is stated that PELCG and TLNG have entered into an Ownership Transfer Agreement whereby PELCG will acquire a 75% undivided ownership interest in the gas turbine facilities at their proportional net book value as of the transfer date; the net book value of which is said to be $3,379,187. TLNG advises that PELCG intends to utilize its share of the megawatt capacity to generate and sell power, and is contemporaneously requesting determination of status as an Exempt Wholesale Generator from the Commission.[3]

Any person desiring to be heard or to make any protest with reference to said application should on or before April 11, 1996, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) 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 the 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 application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment

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[1] These power facilities are part of the LNG plant facilities certificated by Federal Power Commission order issued April 29, 1977 (58 FPC 726 (1977)). Also, *see* 58 FPC 2935 (1977).

[2] PELCG is an associate company of TLNG. PELCG is an indirect, wholly-owned subsidiary of Panhandle Eastern Corporation, doing business as PanEnergy Corp. (PEC). TLNG is a wholly-owned subsidiary of Texas Eastern Corporation, which is a wholly-owned subsidiary of PEC.

[3] PELCG filed in Docket Nos. EG96–50–000 and ER96–1335–000, respectively, for determination of exempt wholesale generator status and for blanket authorization to sell at market-based rates the capacity and energy attributable to the portion of the facilities to be acquired from TLNG.

are 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 TLNG to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8406 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG96–53–000, et al.]

Escuintla Operations, Inc., et al.; Electric Rate and Corporate Regulation Filings

March 29, 1996.

Take notice that the following filings have been made with the Commission:

1. Escuintla Operations, Inc.

[Docket No. EG96–53–000]

On March 21, 1996, Escuintla Operations, Inc., a corporation organized and existing under the laws of the State of Illinois, with its address at 1130 Lake Cook Road, Suite 300, Buffalo Grove, Illinois 60089 (the ''Applicant''), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (''EWG'') status pursuant to Part 365 of the Commission's regulations.

The Applicant will be engaged directly and exclusively in the business of (A) operating an eligible facility located in Escuintla, Guatemala and (B) based on agency relationships with facility owners, selling electric energy at wholesale and retail.

The Escuintla Plant consists of a nominal 38 MW diesel generation facility utilizing heavy fuel oil as its primary fuel and light fuel oil as a backup fuel.

Comment date: April 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. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER96–1346–000]

Take notice that on March 19, 1996, Northern States Power Company-Minnesota (NSP–M) and Northern States Power Company-Wisconsin (NSP-W) jointly tendered and request the Commission to accept two Transmission Service Agreements which provide for Limited and Interruptible Transmission Service to Valero Power Services Company.

NSP requests that the Commission accept for filing the Transmission Service Agreements effective as of February 19, 1996. NSP requests a waiver of the Commission's notice requirements pursuant to Part 35 so the Agreements may be accepted for filing effective on the date requested.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Houston Lighting & Power Company

[Docket No. ER96–1347–000]

Take notice that on March 19, 1996, Houston Lighting & Power company (HL&P) tendered for filing an executed transmission service agreement (TSA) with Energy Transfer Group, L.L.C. (ETG) for Economy Energy and Emergency Power Transmission Service under HL&P's FERC Electric Tariff, Original Volume No. 1, for Transmission Service To, From and Over Certain HVDC Interconnection. HL&P has requested an effective date of March 5, 1996.

Copies of the filing were served on ETG and the Public Utility Commission of Texas.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. CSW Power Marketing, Inc.

[Docket No. ER96–1348–000]

Take notice that on March 19, 1996, CSW Power Marketing, Inc. (Applicant), filed with the Federal Energy Regulatory Commission an application for blanket authorizations and for certain waivers of the Commission's regulations and its FERC Electric Rate Schedule No. 1.

Applicant has requested that its rate schedule be accepted for filing and allowed to become effective as soon as possible but not later than the effective date assigned to the open access transmission tariffs filed by Applicant's affiliate in Docket No. ER96–1046–000. Applicant is not currently in the business of generating, transmitting or distribution electricity. Applicant intends to engage in transactions in which Applicant sells electricity at rates and on terms and conditions that are negotiated with the purchasing party.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Texas Utilities Electric Company

[Docket No. ER96–1349–000]

Take notice that on March 20, 1996, Texas Utilities Electric Company (TU Electric), tendered for filing one executed transmission service agreement (TSA) with Energy Transfer Group, L.L.C. under TU Electric's Tariff for Transmission Service To, From and Over Certain HVDC Interconnections.

TU Electric requests an effective date for the TSA that will permit it to become effective on or before the service commencement date under the TSA. Accordingly, TU Electric seeks waiver of the Commission's notice requirement. Copies of the filing were served on Energy Transfer Group, L.L.C., as well as the Public Utility Commission of Texas.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

[Docket No. ER96–1350–000]

Take notice that on March 20, 1996, Northern States Power Company—Minnesota (NSP–M) and Northern States Power Company—Wisconsin (NSP–W) jointly tendered and request the Commission to accept two Transmission Service Agreements which provide for Limited and Interruptible Transmission Service to Delhi Energy Services Inc.

NSP requests that the Commission accept for filing the Transmission Service Agreements effective as of February 23, 1996. NSP requests a waiver of the Commission's notice requirements pursuant to Part 35 so the Agreements may be accepted for filing effective on the date requested.

Comment date: April 1, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Entergy Services, Inc.

[Docket No. ER96–1353–000]

Take notice that on March 21, 1996, Entergy Services, Inc. (ESI), acting as agent for Louisiana Power & Light Company (LP&L), submitted for filing the Second Amendment to the Electric System Interconnection Agreement between LP&L and the Town of Vidalia (Town) which, among other things, establishes a new point of interconnection thereunder. Entergy Services request waiver of the Commission's notice provisions to permit the Amendment to become effective January 1, 1996.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Entergy Services, Inc.

[Docket No. ER96–1354–000]

Take notice that on March 21, 1996, Entergy Services, Inc. (ESI), acting as agent for Gulf States Utilities Company (Gulf States), submitted for filing a letter agreement between Gulf States and Cajun Electric Power Cooperative, Inc. (Cajun) for the installation of a second 69 kV breaker at Coly Substation. Cajun has committed to a contribution-in-aid-of-construction in return for Gulf States installing the breaker. Entergy Services requests that the letter agreement become effective as soon as possible but in no event later than June 1, 1996.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Entergy Services, Inc.

[Docket No. ER96–1355–000]

Take notice that on March 21, 1996, Entergy Services, Inc. (ESI), acting as agent for Arkansas Power & Light Company (AP&L), submitted for filing the Twenty-fifth Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Arkansas Electric Cooperative Corporation (AECC) which makes certain modifications to the delivery points set forth in Exhibit A to the Agreement. Entergy Services requests that the Amendment become effective no later than June 1, 1996.

Comment date: April 12, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Entergy Power, Inc.

[Docket No. ER96–1356–000]

Take notice that on March 21, 1996, Entergy Power, Inc. (EPI), tendered for filing an Interchange Agreement with City of Tallahassee.

EPI requests an effective date for the Interchange Agreement that is one (1) day after the date of filing, and respectfully requests waiver of the notice requirements specified in 35.11 of the Commission's regulations.

Comment date: April 12, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8403 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket Nos. CP94–29–000, CP94–29–001 and CP94–29-002]

Paiute Pipeline Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Paiute Pipeline Expansion II Project and Request for Comments on Environmental Issues

April 1, 1996.

The staff of the Federal Energy Regulatory commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss environmental impacts of the construction and operation of facilities proposed in the Paiute Pipeline Expansion II Project.[1] this EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether or not to approve the project. The U.S. Bureau of Land Management (BLM) and Lake Tahoe Basin Management Unit of the U.S. Forest Service (LTBMU) will be cooperating agencies in the preparation of the EA.

Summary of the Proposed Project

On October 18, 1994, the Federal Energy Regulatory Commission (FERC) or Commission) issued a Notice of Intent To Prepare a Draft Environmental Assessment (EA) for the Paiute Expansion II Project in docket No. CP94–29–000. The purpose of the notice was to request comments on environmental issues.

On March 4, 1996, Paiute Pipeline Company (Paiute) filed an amendment to its original application in Docket No. CP94–29–002 that represents a change in the scope of the Expansion II Project. From the standpoint of the environmental analysis the changes are:

- The deletion of four pipeline segments from the project, reducing the total miles of pipeline construction from 53.8 miles to 19.8 miles:
- The deletion of all new compression requirements; and
- The changes in pipeline routing of the North Tahoe Loop.

In its present application Paiute wants to expand the capacity of its facilities in Nevada to transport an additional 12,788 million cubic feet of gas to Southwest Gas Corporation-Northern Nevada and Southwest Gas Corporation-Northern California (collectively, known as Southwest Gas). To accomplish this, Paiute seeks authority to:

- Construct and operate the North Tahoe Loop consisting of 11 miles of 16-inch-diameter pipeline in Washoe County and Carson City, Nevada;
- Construct and operate the Incline Village Loop consisting of 3.0 miles of 12-inch-diameter pipeline and 200 feet of 8-inch-diameter pipeline in Washoe County, Nevada;
- Construct and operate the South Tahoe Loop consisting of 5.8 miles of 12-inch-diameter pipeline in Douglas County, Nevada;
- Modify the California Check Meter and Wadsworth Pressure Limiting Station, both located in Washoe County, Nevada; and
- Relocate the South Tahoe Pressure Limiting Station located in Douglas County, Nevada.

The general location of the project facilities is shown in appendix 1.[2]

In connection with Paiute's proposal, Southwest Gas plans to construct about 18.5 miles of pipeline ranging from 6 to 12 inches in diameter along various parts of its existing pipeline system. The facilities would extend from the interconnection with Paiute's facilities at the Nevada-California border in Placer County, California to Truckee, California. Southwest Gas' project is under the jurisdiction of the California Public Utilities Commission (CPUC) and is subject to the requirements of the California Environmental Quality Act (CEQA). The CPUC completed its CEQA review of Southwest Gas' project and approved the project on April 26, 1995.

We have made a decision to not address the impacts of the nonjurisdictional facilities planned by Southwest Gas because it would be

[1] Paiute Pipeline Company's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[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, Room 2A, 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.

duplicative of the review conducted by the CPUC and the project has already been approved. However, we will briefly describe their location and status in the EA.

Land Requirements for Construction

Construction of the proposed facilities would require about 101.3 acres of land. Following construction, about 79.1 acres would be maintained as permanent right-of-way, 94 percent of which is Paiute's existing pipeline right-of-way. Only 4.4 acres would be new permanent right-of-way. The remaining 22.2 acres would be restored and allowed to revert to its former use. No land disturbance would be associated with the modification of either the California Check Meter or the Wadsworth Pressure Limiting Station.

The EA 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 EA 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 EA. All comments received are considered during the preparation of the EZ. 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 EA 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.
- Endangered and threatened species.
- Water resources and fisheries.
- Vegetation and wildlife.
- Public safety.
- Air quality and noise.
- Wetland and riparian habitats.
- Land use and visual resources.
- Cultural resources.

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 be in the EA. The EA will then 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. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

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 Paiute. Keep in mind that this is a preliminary list:

- Construction within or adjacent to roads could affect traffic flow and access to businesses and residences. Construction would occur within or adjacent to U.S. Route 50 for the North Tahoe Loop; U.S. Route 395, State Route 57, State Route 206 for the South Tahoe Loop; and Sugarpine Drive, Knotty Pine Drive, Silvertip Drive, Ponderosa Avenue, and State Route 28 for the Incline Village Loop.
- The North Tahoe loop would cross 3.4 miles of land managed by the BLM, including a 0.7-mile-long crossing of Centennial Park.
- The North Tahoe Loop would cross 1.0 mile of Washoe Lake Nevada State Park.
- The North Tahoe Loop would cross 0.4 mile of land managed by the U.S. Forest Service, Toiyabe National Forest.
- Seven perennial streams would be crossed and a total of 0.2 acre of wetland would be affected.
- About 56 residences would be within 50 feet of the proposed construction rights-of-way.

The list of issues may be added to, subtracted from, or changed based on your comments and our analysis.

Public Participation

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. You do not need to re-submit comments if you have already done so. 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 Street NE., Washington, DC 20426;
- Reference Docket Nos. CP94–29–000 *et al.;*
- Send a *copy* of your letter to: Ms. Lauren O'Donnell, EA Project Manager, Federal Energy Regulatory Commission, 888 First Street NE., PR–11.1, Washington, DC 20426; and
- Mail your comments so they will be received in Washington, DC on or before May 2, 1996.

If you wish to receive a copy of the EA, you should request one from Ms. O'Donnell at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceedings or 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 2). You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Ms. Lauren O'Donnell, EA Project Manager, at (202) 208–0325.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8450 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–M

Notice of Amendment of License

April 1, 1996.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. Type of Application: Amendment of License.

b. Project No.: 1494–120.

c. Date Filed: March 12, 1996.

d. Applicant: Grand River Dam Authority.

e. Name of Project: Pensacola Project.

f. Location: On the Grand (Neosho) River in Craig, Delaware, Mayes, and Ottawa Counties, Oklahoma.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. Applicant Contact: Mr. Robert W. Sullivan, Assistant General Manager, Grand River Dam Authority, P.O. Box 409, Vinita, OK 74301–0409, (918) 256–5545.

i. FERC Contact: Paul Shannon, (202) 219–2866.

j. Comment Date: May 20, 1996.

k. Description of Amendment: Grand River Dam Authority requests authorization to replace the project's six turbines that are over 50 years old and refurbish the project's generator equipment. The maximum hydraulic capacity of each turbine would increase from 2,020 cubic feet per second (cfs) to 2,317 cfr (+14.7%). The turbine nameplate capacity for each unit would increase from 14,390 kW to 17,446 kW (+21.2%). The generator nameplate capacity for each unit would increase from 14,400 kW to 22,500 kW (+56.3%). The larger hydraulic capacity of the turbines will allow the units to generate more power using flows that presently pass through the spillway gates.

1. This notice also consists of the following standard paragraphs: B, C1, and D2.

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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 96–8404 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–M

[Project Nos. 11475–000, et al.]

Hydroelectric Applications [Central Vermont Public Service Corporation, et al.]; Notice of Application

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of Application: Original License.

b. Project No.: 11475–000.

c. Date Filed: April 25, 1994.

d. Applicant: Central Vermont Public Service Corporation.

e. Name of Project: Carver Falls Project.

f. Location: On the Poultney River in Washington County, New York and Rutland County, Vermont.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. 791(a).

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 project consists of: (1) a concrete and stone masonry dam, 514 feet long, with a 325-foot-long spillway, including (a) a 110-foot-long stone masonry, concrete capped section with 6 foot-high flashboards; (b) a 135-foot-long, concrete section with 1.5-foot-high flashboards; and (c) an 80-foot-long concrete section; (2) a reservoir extending 2,400 feet upstream with a 10 acre surface area at the normal impoundment surface elevation of 233.3 feet United States Geological Survey datum; (3) a 200-foot-long, 7-foot-diameter, steel penstock that bifurcates into two 132-foot-long steel penstocks, 4-feet and 5-feet in diameter, each with its own surge tank; (4) a concrete and stone powerhouse, 88 feet long by 40 feet wide, containing two horizontal turbines with hydraulic capacities of 162 cubic feet per second (cfs) and 92 cfs, operating with a net head of 112 feet; (5) two horizontal shaft generators with nameplate capacities of 1,150 kilowatts (kW) and 480 kW; and (6) appurtenant facilities. The project currently produces and average annual generation of 7,249,000 kilowatt-hours.

m. Purpose of Project: Power produced by the project would continue to be distributed to Central Vermont Public Service Corporation customers.

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, NE., Room 2A, Washington, DC 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, or by calling (802) 747–5463.

2 a. Type of Application: Minor License.

b. Project No.: P–11566–000.

c. Date Filed: December 12, 1995.

d. Applicant: Consolidated Hydro Maine, Inc.

e. Name of Project: Damariscotta Mills Hydro Project.

f. Location: On the Damariscotta River in Lincoln County, near Newcastle, Nobleboro, and Jefferson, Maine.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. §§ 791 (a)–825(r).

h. Applicant Contact: Mr. Wayne E. Nelson, Consolidated Hydro Maine, Inc., Director of Environmental Affairs, Andover Business Park, 200 Bulfinch Drive, Andover, MA 01810, (508) 681–1900.

i. FERC Contact: Ed Lee (202) 219–2809.

j. Comment Date: May 20, 1996.

k. Description of Project:

The existing project would consist of: (1) an existing concrete dam and intake structure; (2) an existing 4625-acre reservoir; (3) a powerhouse containing a single generating unit having an installed capacity of 460 kW; (4) a 100-foot-long and 12.47–kV underground transmission line; and (5) appurtenant facilities. The applicant estimates that the total average annual generation would be 1,830 MWh for the project. All lands and project works are owned by the applicant.

l. With this notice, we are initiating consultation with the *MAINE 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 issuance date of this notice and serve a copy of the request on the applicant.

3 a. Type of Application: Amendment of Shoreline Management Plan (Recreation Plan).

b. Project No.: 659–008.

c. Date Filed: November 27, 1995.

d. Applicant: Crisp County Power Commission.

e. Name of Project: Lake Blackshear.

f. Location: The project reservoir is located on the Flint River in Crisp, Dooly, Lee, Sumter and Worth Counties, Georgia.

g. Filed pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Mr. Marcus Waters, Crisp County Power Commission, P.O. Box 1218, Cordele, GA 31010–1218, (912) 273–3820.

i. FERC contact: John K. Hannula, (202) 219–0116

j. Comment date: May 13, 1996.

k. Description of Application: Crisp County Power Commission proposes to amend its Shoreline Management Plan (Exhibit R) to reclassify lands currently designated as U–1 (Predominantly Undeveloped) to D–1 (High Density Development). This would allow an increase in private boat dock density over what is presently authorized. An increased boat dock density is necessary to accommodate residential development that has occurred outside the project boundary.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

4 a. Type of Application: Request for Commission Approval to Grant a Permit for Dredging on Project Lands.

b. Project No.: 1494–119.

c. Date Filed: March 8, 1996.

d. Applicant: Grand River Dam Authority (licensee).

e. Name of Project: Pensacola Project.

f. Location: Near the Patricia Island portion of Grand Lake O' The Cherokees, Delaware County, Afton, Oklahoma.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Mr. Robert W. Sullivan, Jr., Grand River Dam Authority, P.O. Box 409, Drawer G, Vinita, OK 74301, (918) 256–5545.

i. FERC Contact: Joseph C. Adamson, (202) 219–1040.

j. Comment Date: May 13, 1996.

k. Description of Proposed Action: The licensee requests Commission approval to grant a permit to Mr. Larry Herrelson, d/b/a Patricia Island Estates to excavate approximately 192,200 cubic yards of material from the Pensacola Project's reservoir (Grand Lake O' The Cherokees). The application includes measures for mitigating temporary adverse impacts to fish resources. The proposed dredging activity is to lengthen and deepen coves to provide boat access to project waters as part of the development of a residential recreational area. If approved the permit will authorize the excavation of the site for the placement of nine boat access facilities.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

5 a. Type of Application: Conduit Exemption.

b. Project No.: 11564–000.

c. Date filed: November 29, 1995.

d. Applicant: Robert Z. Walker and Harold Foster.

e. Name of Project: West Hill.

f. Location: On Cold Springs, a tributary of Cold Creek, in Siskiyou County, California. Township 47N, Range 4W, Section 18.

g. Filed Pursuant to: Federal Power Act 16 USC §§ 791(a)–825(r).

h. Applicant Contact: Mr. Robert Z. Walker, 11834 Ager Beswick Road, Montague, CA 96064.

i. FERC Contact: Michael Spencer at (202) 219–2846.

j. Deadline Date for Protests, Interventions, Terms and Conditions: May 16, 1996.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D4.

l. Description of Project: The proposed project would consist of: (1) a bifurcation attached to the applicant's existing irrigation conduit; (2) a 1,500-foot-long, 24-inch-diameter penstock; (3) a powerhouse containing four generating units with a combined capacity of 100.4 Kw and an average annual generation of 280.0 Mwh; and (4) a tailrace discharging into Cold Creek, consisting of two 15-inch-diameter PVC pipes.

m. Purpose of Project: Project power would be used by the applicant.

n. This notice also consists of the following standard paragraphs: A2, A9, B, and D4.

Standard Paragraphs

A2. Development Application—Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

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.

A9. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public 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.

D4. 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 (May 16, 1996 for Project No. 11564–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (July 1, 1996 for Project No. 11564–000).

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 ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION,'' ''COMPETING APPLICATION,'' ''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 protesting or intervening; 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. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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 (May 17, 1996 for Project No. 11475–000). All reply comments must be filed with the Commission within 105 days from the date of this notice (July 1, 1996 for Project No. 11475–000).

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: April 1, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 96–8445 Filed 4–4–96; 8:45 am]

BILLING CODE 6717–01–P

Sunshine Act Meeting

April 2, 1996.

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: April 9, 1996, 10:00 a.m.

PLACE: 888 First Street, N.E., Room 2C, Washington D.C. 20426

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda *Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; However, all public documents may be examined in the reference and information center.

CONSENT AGENDA—HYDRO 650TH MEETING—APRIL 9, 1996, REGULAR MEETING (10:00 A.M.)

CAH–1. DOCKET# P–349	040	ALABAMA POWER COMPANY.

CONSENT AGENDA—HYDRO 650TH MEETING—APRIL 9, 1996, REGULAR MEETING (10:00 A.M.)—Continued

CAH–2. DOCKET# EL94–7	001	YESTERYEAR POWER AND EQUIPMENT.
CAH–3. OMITTED.		
CAH–4. DOCKET# P–2417	002	NORTHERN STATES POWER COMPANY.
CAH–5. DOCKET# P–10867	002	HOLLIDAY HISTORIC RESTORATION ASSOCIATES.
CAH–6. DOCKET# P–9085	013	RICHARD BALAGUR.
OTHER #S P–9085	014	RICHARD BALAGUR.
CAH–7. DOCKET# P–2142	017	CENTRAL MAINE POWER COMPANY.

CONSENT AGENDA—ELECTRIC

CAE–1. DOCKET# ER96–1046	000	CENTRAL POWER AND LIGHT COMPANY, WEST TEXAS UTILITIES COMPANY, PUBLIC SERVICE COMPANY OF OKLAHOMA, ET AL.
CAE–2. OMITTED		
CAE–3. DOCKET# ER96–1090	000	MONTAUP ELECTRIC COMPANY.
CAE–4. DOCKET# ER96–1125	000	SOUTHERN CALIFORNIA EDISON COMPANY.
CAE–5. DOCKET# ER96–222	001	SOUTHERN CALIFORNIA EDISON COMPANY.
CAE–6. DOCKET# ER95–835	000	YANKEE ATOMIC ELECTRIC COMPANY.
CAE–7. DOCKET# ER95–1845	000	CENTRAL ILLINOIS LIGHT COMPANY.
CAE–8. DOCKET# ER95–1139	000	CAROLINA POWER & LIGHT COMPANY.
CAE–9. DOCKET# ER96–586	002	ENTERGY SERVICES, INC.
OTHER#S ER95–112	007	ENTERGY SERVICES, INC.
ER95–1001	001	ENTERGY SERVICES, INC.
ER95–1615	002	ENTERGY POWER MARKETING CORPORATION.
CAE–10. DOCKET# ER96–350	002	IDAHO POWER COMPANY.
OTHER#S ER96–350	001	IDAHO POWER COMPANY.

CONSENT AGENDA—GAS AND OIL

CAG–1. DOCKET# RP95–206	004	TENNESSEE GAS PIPELINE COMPANY.
CAG–2. DOCKET# RP96–41	001	KERN RIVER GAS TRANSMISSION COMPANY.
OTHER#S RP96–41	002	KERN RIVER GAS TRANSMISSION COMPANY.
CAG–3. DOCKET# RP96–172	000	KOCH GATEWAY PIPELINE COMPANY.
CAG–4. DOCKET# RP96–173	000	WILLIAMS NATURAL GAS COMPANY.
OTHER#S RP89–183	060	WILLIAMS NATURAL GAS COMPANY.
CAG–5. DOCKET# RP96–175	000	WILLIAMS NATURAL GAS COMPANY.
CAG–6. DOCKET# CP88–391	018	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
OTHER#S RP93–162	004	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
CAG–7. DOCKET# PR95–18	000	DELHI GAS PIPELINE CORPORATION.
CAG–8. DOCKET# RP95–182	003	ANR PIPELINE COMPANY.
CAG–9. DOCKET# RP95–408	006	COLUMBIA GAS TRANSMISSION CORPORATION.
CAG–10. DOCKET# RP95–408	007	COLUMBIA GAS TRANSMISSION CORPORATION.
CAG–11. DOCKET# RP96–63	001	IROQUOIS GAS TRANSMISSION SYSTEM, L.P.
CAG–12. DOCKET# RP96–145	000	WILLIAMS NATURAL GAS COMPANY.
CAG–13. DOCKET# TM96–4–25	000	MISSISSIPPI RIVER TRANSMISSION CORPORATION.
CAG–14. DOCKET# RP95–396	010	TENNESSEE GAS PIPELINE COMPANY.
CAG–15. DOCKET# RP94–227	003	TRANSWESTERN PIPELINE COMPANY.
CAG–16. DOCKET# IS96–8	001	MILNE POINT PIPE LINE COMPANY.
CAG–17. DOCKET# RP93–172	009	PANHANDLE EASTERN PIPELINE COMPANY.
CAG–18. OMITTED.		
CAG–19. DOCKET# RP95–166	001	PAN-ALBERTA GAS (U.S.) INC. V. PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC GAS TRANSMISSION COMPANY.
CAG–20. OMITTED.		
CAG–21. OMITTED.		
CAG–22. DOCKET# RP89–224	013	SOUTHERN NATURAL GAS COMPANY.
OTHER#S CP71–273	013	SOUTHERN NATURAL GAS COMPANY.
CP95–289	001	SOUTHERN NATURAL GAS COMPANY.
CP95–292	001	SOUTHERN NATURAL GAS COMPANY.
RP89–203	009	SOUTHERN NATURAL GAS COMPANY.
RP90–139	014	SOUTHERN NATURAL GAS COMPANY.
RP91–69	005	SOUTHERN NATURAL GAS COMPANY.
RP92–134	015	SOUTHERN NATURAL GAS COMPANY.
RP93–15	011	SOUTHERN NATURAL GAS COMPANY.
RP94–67	021	SOUTHERN NATURAL GAS COMPANY.
RP94–133	008	SOUTHERN NATURAL GAS COMPANY.
RP94–165	009	SOUTHERN NATURAL GAS COMPANY.
RP94–264	008	SOUTHERN NATURAL GAS COMPANY.
RP94–269	002	SOUTHERN NATURAL GAS COMPANY.
RP94–307	003	SOUTHERN NATURAL GAS COMPANY.
RP94–380	006	SOUTHERN NATURAL GAS COMPANY.
RP94–429	004	SOUTHERN NATURAL GAS COMPANY.

CONSENT AGENDA—HYDRO 650TH MEETING—APRIL 9, 1996, REGULAR MEETING (10:00 A.M.)—Continued

RP95–27	002	SOUTHERN NATURAL GAS COMPANY.
RP95–29	004	SOUTHERN NATURAL GAS COMPANY.
RP95–59	003	SOUTHERN NATURAL GAS COMPANY.
RP95–67	002	SOUTHERN NATURAL GAS COMPANY.
RP95–177	002	SOUTHERN NATURAL GAS COMPANY.
RP95–209	001	SOUTHERN NATURAL GAS COMPANY.
RP96–72	001	SOUTHERN NATURAL GAS COMPANY.
RS92–10	016	SOUTHERN NATURAL GAS COMPANY.
CAG–23. DOCKET# RM95–6	001	ALTERNATIVES TO TRADITIONAL COST-OF-SERVICE RATEMAKING FOR NATURAL GAS PIPELINES.
OTHER#S RM96–7	001	REGULATION OF NEGOTIATED TRANSPORTATION SERVICES OF NATURAL GAS PIPELINES.
CAG–24. DOCKET# RP95–182	004	ANR PIPELINE COMPANY.
CAG–25. DOCKET# RP95–436	000	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
CAG–26. DOCKET# OR96–1	000	EXXON PIPELINE COMPANY, MOBIL ALASKA PIPELINE COMPANY, PHILLIPS ALASKA PIPELINE CORPORATION, ET AL.
OTHERS#S IS96–1	000	AMERADA HESS PIPELINE CORPORATION.
IS96–2	000	ARCO TRANSPORTATION ALASKA, INC.
IS96–3	000	BP PIPELINES (ALASKA), INC.
IS96–4	000	EXXON PIPELINE COMPANY.
IS96–5	000	MOBIL ALASKA PIPELINE COMPANY.
IS96–6	000	PHILLIPS ALASKA PIPELINE CORPORATION.
IS96–7	000	UNOCAL PIPELINE COMPANY.
OR96–3	000	STATE OF ALASKA V. AMERADA HESS PIPELINE CORPORATION
OR96–4	000	STATE OF ALASKA V. ARCO TRANSPORTATION ALASKA, INC.
OR96–5	000	STATE OF ALASKA V. BP PIPELINES (ALASKA), INC.
OR96–6	000	STATE OF ALASKA V. EXXON PIPELINE COMPANY.
OR96–7	000	STATE OF ALASKA V. MOBIL ALASKA PIPELINE COMPANY.
OR96–8	000	STATE OF ALASKA V. PHILLIPS ALASKA PIPELINE CORPORATION.
OR96–9	000	STATE OF ALASKA V. UNOCAL PIPELINE COMPANY.
CAG–27. DOCKET# OR95–9	000	COLONIAL PIPELINE COMPANY.
CAG–28. DOCKET# RP94–51	000	SHELL WESTERN E&P INC. V. SOUTHERN CALIFORNIA GAS COMPANY.
OTHER#S RP93–194	000	SOUTHERN CALIFORNIA UTILITY POWER POOL AND IMPERIAL IRRIGATION DISTRICT V. SOUTHERN CALIFORNIA GAS CO.
RP93–197	000	UNION PACIFIC FUELS, INC., ET AL. V. SOUTHERN CALIFORNIA GAS COMPANY.
CAG–29. DOCKET# MG96–7	000	OKTEX PIPELINE COMPANY.
CAG–30. DOCKET# MG96–8	000	MICHIGAN GAS STORAGE COMPANY.
CAG–31. DOCKET# MT96–3	000	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
CAG–32. DOCKET# CP95–349	001	LOUISIANA GAS SYSTEM INC. AND CONOCO INC. V. PANHANDLE EASTERN CORPORATION AND CENTANA ENERGY CORP. ET AL.
CAG–33. DOCKET# CP95–700	000	WILLIAMS NATURAL GAS COMPANY.
CAG–34. DOCKET# CP95–739	000	WILLIAMS NATURAL GAS COMPANY.
CAG–35. OMITTED.		
CAG–36. DOCKET# CP96–16	000	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
CAG–37. DOCKET# CP95–12	000	WILLIAMS GAS PROCESSING-KANSAS HUGOTON COMPANY.
OTHER#S CP95–11	000	WILLIAMS NATURAL GAS COMPANY.
CP95–11	001	WILLIAMS NATURAL GAS COMPANY.
CP95–11	002	WILLIAMS NATURAL GAS COMPANY.
CP95–11	003	WILLIAMS NATURAL GAS COMPANY.
CP95–12	001	WILLIAMS GAS PROCESSING-KANSAS HUGOTON COMPANY.
CAG–38. DOCKET# CP95–705	000	SHELL OFFSHORE, INC.
OTHER#S CP95–670	000	NATURAL GAS PIPELINE COMPANY OF AMERICA.
CAG–39. DOCKET# CP95–639	000	SHELL OFFSHORE, INC.
OTHER#S CP95–640	000	TRANSCONTINENTAL GAS PIPE LINE CORPORATION AND FLORIDA GAS TRANSMISSION COMPANY.
CAG–40. DOCKET# RP92–137	033	TRANSCONTINENTAL GAS PIPE LINE CORPORATION.
CAG–41. DOCKET# CP96–72	000	LEE 8 STORAGE PARTNERSHIP.

HYDRO AGENDA

H–1. RESERVED		

CONSENT AGENDA—HYDRO 650TH MEETING—APRIL 9, 1996, REGULAR MEETING (10:00 A.M.)—Continued

ELECTRIC AGENDA		
E–1. RESERVED		
OIL AND GAS AGENDA		
I. PIPELINE RATE MATTERS. PR–1. OMITTED. II. PIPELINE CERTIFICATE MATTERS. PC–1. RESERVED.		

Lois D. Cashell,
Secretary.
[FR Doc. 96–8602 Filed 4–3–96; 11:08 am]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5453–6]

Agency Information Collection Activities up for Renewal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before June 4, 1996.

ADDRESSES: Oil Program Center, 401 M Street SW (5203G), Washington, DC 20460. Materials relevant to this ICR may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, by visiting Public Docket No. SPCC–4, located at 1235 Jefferson Davis Highway (ground floor), Arlington, Virginia. A reasonable fee may be charged for copying docket material.

FOR FURTHER INFORMATION CONTACT: Kevin Mould, (703) 603–8728. Facsimile number: (703) 603–9116. Electronic address: mould.kevin@epamail.epa.gov. Note that questions but not comments will be accepted electronically.

SUPPLEMENTARY INFORMATION:

Affected Entities

The Oil Pollution Prevention regulation applies only to non-transportation-related facilities that could reasonably be expected to discharge oil into or upon the navigable waters of the U.S. or adjoining shorelines, and that have: (1) A total underground buried storage capacity of more than 42,000 gallons; or (2) A total aboveground oil storage capacity of more than 1,320 gallons, or an aboveground oil storage capacity of more than 660 gallons in a single container.

The specific private industry sectors expected to be affected by this action include: (1) large oil distribution (SIC 28/29/5171); (2) oil production (SIC 131); (3) transportation and utilities (SIC 401/411/413/414/417/42/448/449/458/46/491); (4) other manufacturing (SIC 20 - 39); (5) small oil distribution/auto services (SIC 554/5983/751); (6) mining and construction (SIC 12/14/15/16/17); (7) commercial and institutional services (SIC 801/802/803/804/805/806/807/821/822/97); (8) food manufacturing (SIC 20); and (9) farming (SIC 01/02).

Title

''Spill Prevention, Control, and Countermeasure (SPCC) Plans,'' OMB Control Number: 2050–0021. EPA Control Number: 328. Expiration Date: September 30, 1996.

Abstract

Under Section 311 of the Clean Water Act, EPA's Oil Pollution Prevention regulation requires facilities to prepare and implement SPCC Plans to help ''minimize the potential for oil discharges.'' This regulation is codified at 40 CFR Part 112. The SPCC Plan must be ''a carefully thought-out plan, prepared in accordance with good engineering practices.'' Preparation of the SPCC Plan requires that a facility's staff analyze how the facility will prevent oil discharges, thereby encouraging appropriate facility design and operations. The information in the SPCC Plan also promotes efficient response in the event of a discharge. Finally, proper maintenance of the SPCC Plan will promote important spill-reducing measures, facilitate leak detection, and generally ensure that the facility is at peak capability for deterring discharges. The specific activities and reasons for the information collection are described below.

New Plan

Preparation of the Plan, required under § 112.3, involves several tasks, mostly conducted by the facility's technical personnel. These tasks include: field investigations to understand facility design and possible failures and to predict the flow paths of spilled oil and the potential harm that the spilled oil would have on nearby navigable waters; a regulatory review to ensure that personnel are fully aware of all requirements and limitations imposed in the rule; an evaluation of the current spill prevention and control practices employed by the facility; preparation of the Plan according to the specifications of § 112.7; and certification by a Registered Professional Engineer (P.E.).

Modification of Plan

Under § 112.5(a), the SPCC Plan must be amended whenever there is a change in the facility's design, construction, operation, and maintenance that materially affects the facility's potential to discharge oil into navigable waters or onto adjoining shorelines. The amended Plan must also be certified by a P.E.

Triennial Review

Under § 112.5(b) owners or operators of regulated facilities must review and evaluate the Plan at least once every three years. This involves review of spill prevention and control procedures being implemented under the current Plan, as well as a regulatory review. Facility owners/operators must amend the SPCC Plan within six months of the review to include more effective prevention and control technology if: (1) such technology will significantly reduce the likelihood of a spill event; and (2) such technology has been field-

proven at the time of the review. If amended, the Plan must also be certified by a P.E.

Oil Discharge

Under § 112.4, in the event of certain oil discharges, facility owner/operators must submit information to the Regional Administrator within 60 days. Discharges of oil that trigger the reporting requirements are: (1) a single spill event of more than 1,000 U.S. gallons into navigable waters; or (2) two or more spills (in a 12 month period) of harmful quantities as defined in 40 CFR Part 110.

Submitting a Plan after a discharge involves time to collect the required information, as well as time for review by management. The facility must also submit a copy of this information to the appropriate state agency in charge of water pollution control activities. After the Regional Administrator and the appropriate state agency have reviewed the Plan, the Regional Administrator may require amendment of the SPCC Plan. The amended Plan must be certified by a P.E. prior to implementation. Facilities may appeal a decision made by the Regional Administrator requiring an amendment to an SPCC Plan.

Recordkeeping

Under § 112.3, the facility owner/operator must maintain a copy of the SPCC Plan at the facility, or under certain circumstances, at the nearest field office. The Plan must be available for review during normal working hours. In addition, facilities must maintain (and update) records of Plan-specific inspections as outlined under § 112.7(e).

Purpose of Data Collection

EPA does not collect the information required by the Oil Pollution Prevention regulation (i.e., the SPCC Plan) on a routine basis. Preparation, implementation, and maintenance of the SPCC Plan by the facility help prevent oil discharges, and mitigate the environmental damage caused by such discharges. Therefore, the primary user of the data is the facility itself. For example:

(i) As facility staff accumulate the necessary data, they must analyze the facility's capability to prevent oil discharges, facilitate safety awareness, and promote appropriate modifications to facility design and operations;

(ii) Because facility staff keep the required information in a single document, they can respond efficiently in the event of a discharge;

(iii) To implement the Plan according to the specifications of § 112.7, the facility must meet certain design and operational standards that reduce the likelihood of an oil discharge;

(iv) Inspection records help facilities to promote important maintenance, facilitate leak detection, and demonstrate compliance with the SPCC requirements; and

(v) When facility staff review the Plan every three years, they ensure the implementation of more effective spill prevention control technology.

Although the facility is the primary data user, EPA also uses the data in certain situations. EPA primarily uses SPCC plan data to ensure that facilities comply with the regulation, including design and operation specifications and inspection requirements. EPA reviews SPCC Plans: (1) when facilities submit the Plans because of oil discharges, and (2) as part of EPA's inspection program. State and local governments also use the data, which is not necessarily available elsewhere and can greatly assist local emergency preparedness planning efforts. Coordination with state governments is facilitated when, after certain spill events, a facility sends a copy of the SPCC Plan and additional information on the spill to the relevant state agency.

EPA recognizes that additional data would help to better demonstrate the effectiveness of the program and better understand the nature of the threat of oil pollution posed by facilities regulated under the SPCC program. As such, in 1995 EPA surveyed a random sample of potentially regulated facilities that represent the diverse range of facilities that produce, use, or store oil products. EPA is currently analyzing the survey results related to facility-specific information, such as the size, type, and location of the facility; the size, number and type of storage tanks; spill prevention systems; and the number and size of oil discharges.

The survey results should provide data to address a number of program issues, including:

(i) The verification of general information about the regulated community, such as the number and type of facilities subject to the regulation; and

(ii) The estimation of the extent to which spills vary with characteristics of facilities.

The survey should provide data to characterize the difference in spill rates and volumes released from various categories of facilities.

The results of this characterization, combined with data on regulatory compliance costs, should help the Agency to evaluate the effectiveness of the SPCC program and to consider appropriate revisions to regulatory requirements. Also, survey data may help to address important analytical issues, such as the extent to which secondary containment systems (e.g., dikes) prevent spills from reaching navigable waters.[1]

As part of the Agency's efforts to reduce the overall paperwork burden on regulated facilities, EPA would like to solicit comments on how the Agency could best reduce the total paperwork burden hours for this rule while maintaining an effective level of environmental protection.

EPA would also like to solicit public comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

Burden Statement

This notice first presents the estimated number of existing and new storage and production facilities regulated under the Oil Pollution Prevention Regulation. Next, the estimated burden hours and costs to facilities to perform required actions are presented. Finally, the estimated total annual burden hours and costs for all facilities to comply with the requirements of this regulation are presented. The burden hours shown for each action represent the hours in both the existing ICR and the ICR renewal, since the renewal of the request does not change the burden hours associated with each activity. Costs have been updated to December 31, 1995 dollars.

[1] See pages 3–3 to 3–5 of the "Regulatory Impact Analysis of the Proposed Revisions to the Oil Pollution Prevention Regulation (40 CFR Part 112)" (Emergency Response Division, EPA, February 1993) for a discussion about the quality of the oil spill data provided by ERNS and the uncertainties in using these data.

As of January 1996, approximately 459,000 existing facilities are assumed to be regulated under the SPCC program with approximately 4,590 new facilities joining the program in 1996. These numbers are based on the previous ICR estimate of 450,630 facilities. A one percent annual growth rate in the number of facilities is assumed.[2] For purposes of this ICR, all facilities were grouped into two distinct categories: production facilities (facilities whose operations and oil storage activities are exclusively limited to oil production) and storage facilities (all other SPCC-regulated facilities whose operations do not include oil production). This categorization of facilities reflects differences in the estimated burden of compliance activities depending on the nature of the facility's operations.

The current ICR assumes that storage facilities make up 61 percent of small facilities, 38 percent of medium facilities, and all large facilities, production facilities make up 39 percent of small facilities and 62 percent of medium facilities. The definitions of a small, medium, and large facility are based on oil storage capacity and are defined as follows based on the Agency's 1991 SPCC Facilities Study[3]:

(i) Small facility—a facility that has aboveground storage capacity greater than 1,320 gallons (or 660 gallons in a single container), but less than or equal to 42,000 gallons;

(ii) Medium facility—a facility that has total (aboveground or underground) storage capacity greater than 42,000 gallons but less than or equal to one million gallons; and

(iii) Large facility—a facility that has total storage capacity greater than one million gallons.

The estimated number of existing and new storage and production facilities in 1996 are shown in Exhibits 1 and 2.

EXHIBIT 1.—ESTIMATED NUMBER OF EXISTING FACILITIES

	Small	Medium	Large	Total
Storage	227,749	30,909	4,791	263,449
Production	145,272	50,691	0	195,963
Total	373,021	81,600	4,791	459,412

EXHIBIT 2.—ESTIMATED NUMBER OF NEW FACILITIES

	Small	Medium	Large	Total
Storage	2,277	309	48	2,634
Production	1,453	507	0	1,960
Total	3,730	816	48	4,594

The facility cost estimates for each category of activities are based on hourly wage rates for managerial ($38.72), technical ($28.37), and clerical ($17.48) work. Each exhibit presents separate burden estimates for small, medium, and large storage and production facilities.

Exhibits 3 through 8 summarize the estimated facility burden associated with performing each separate task associated with an SPCC Plan. Not all of the activities will be performed on an annual basis by all facilities.

New Plan

Exhibit 3 presents the estimated burden and costs for a facility to perform the activities associated with preparing an SPCC Plan. All new facilities must prepare and implement an SPCC Plan.

EXHIBIT 3.—ESTIMATED BURDEN HOURS AND COSTS—PREPARATION OF NEW PLAN

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	6.0	25.0	4.0	35.0	$1,012
Medium	6.0	44.0	6.0	56.0	1,586
Large	6.0	76.0	8.0	90.0	2,528
Production:					
Small	6.0	28.0	4.0	38.0	1,097
Medium	6.0	46.0	6.0	58.0	1,642
Large	6.0	77.0	8.0	90.0	2,557

Modification of Plan

Exhibit 4 presents the burden hours and costs for a facility to revise an SPCC Plan after any modification that materially affects the facility's potential to discharge oil into navigable waters. An estimated ten percent of facilities will need to modify their SPCC Plans each year.

[2] "Renewal of Information Collection Request for the Oil Pollution Prevention Regulation (40 CFR Part 112)," 1994.

[3] "SPCC Facilities Study," January 1991.

EXHIBIT 4.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—MODIFICATION OF PLAN

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	0.0	4.5	1.0	5.5	$145
Medium	0.0	4.5	1.0	5.5	145
Large	0.0	4.5	1.0	5.5	145
Production:					
Small	0.0	4.5	1.0	5.5	145
Medium	0.0	4.5	1.0	5.5	145
Large	0.0	4.5	1.0	5.5	145

Triennial Review

Exhibits 5 and 6 present the estimated burden hours and costs for a facility to complete a triennial review, with and without amendment. As a result of the review process, the facility may need to amend its Plan, incurring additional costs. Annual burdens and costs per facility are one-third of the values in Exhibits 5 and 6. An estimated three percent of all existing facilities will need to amend their Plans each year.

EXHIBIT 5.—ESTIMATED BURDEN HOURS AND COSTS—TRIENNIAL REVIEW—NO AMENDMENT

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	1.0	2.5	0.5	4.0	$118
Medium	1.0	4.5	1.0	6.5	184
Large	1.0	9.0	1.0	10.0	283
Production:					
Small	1.0	3.5	0.5	5.0	147
Medium	1.0	5.5	1.0	7.5	212
Large	1.0	8.0	1.0	11.0	312

EXHIBIT 6.—ESTIMATED BURDEN HOURS AND COSTS—TRIENNIAL REVIEW—AMENDMENT

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	1.0	7.0	2.0	10.0	$272
Medium	1.0	9.0	2.0	12.0	329
Large	1.0	12.5	2.0	15.5	428
Production:					
Small	1.0	8.0	2.0	11.0	301
Medium	1.0	10.0	2.0	13.0	357
Large	1.0	13.5	2.0	16.5	457

Oil Discharge

Exhibit 7 presents estimated burden hours and costs for a facility to submit information to the Regional Administrator in the event of certain discharges of oil into navigable waters. It is assumed that the probability of a facility having such a spill in any given year is 0.15 percent.

EXHIBIT 7.—ESTIMATED BURDEN HOURS AND COSTS—OIL DISCHARGE

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	1.0	1.0	0.0	2.0	$67
Medium	1.0	1.0	0.0	2.0	67
Large	1.0	1.0	0.0	2.0	67
Production:					
Small	1.0	1.0	0.0	2.0	67
Medium	1.0	1.0	0.0	2.0	67

EXHIBIT 7.—ESTIMATED BURDEN HOURS AND COSTS—OIL DISCHARGE—Continued

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Large	1.0	1.0	0.0	2.0	67

Recordkeeping

Exhibit 8 presents the burden hours and costs for a facility to perform Plan maintenance and Plan-specific record-keeping activities. All regulated facilities are subject to these requirements.

EXHIBIT 8.—ESTIMATED BURDEN HOURS AND COSTS—RECORDKEEPING

Type of facility	Burden hours			Burden hours	Cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	0.0	2.0	0.5	2.5	$65
Medium	0.0	4.5	0.5	5.0	136
Large	0.0	9.5	0.5	10.0	278
Production:					
Small	0.0	3.0	0.5	3.5	94
Medium	0.0	3.0	0.5	3.5	94
Large	0.0	3.0	0.5	3.5	94

Annual Expected Facility Burden

The total annual burden per facility reflects the sum of the annual burdens incurred by the facility for each category of activities outlined above. The estimated annual burden for an existing facility is shown in Exhibit 9. Exhibit 10 presents the estimated annual burden for a new facility.

EXHIBIT 9.—ESTIMATED BURDEN HOURS AND COSTS PER FACILITY—EXISTING FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial $38.72/hr.	Technical $28.37/hr.	Clerical $17.48/hr.		
Storage:					
Small	0.3	3.3	0.8	4.4	$121
Medium	0.3	6.5	0.9	7.7	214
Large	0.3	12.7	0.9	13.9	389
Production:					
Small	0.3	4.7	0.8	5.8	159
Medium	0.3	5.3	0.9	6.5	181
Large	0.3	6.5	0.9	7.7	214

EXHIBIT 10.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS PER FACILITY—NEW FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial $38.72/hr	Technical $28.37/hr	Clerical $17.48/hr		
Storage:					
Small	6.0	27.5	4.6	38.1	$1,092
Medium	6.0	49.0	6.6	61.6	1,737
Large	6.0	86.0	8.6	100.6	2,821
Production:					
Small	6.0	31.5	4.6	42.1	1,205
Medium	6.0	49.5	6.6	62.1	1,751
Large	6.0	80.5	8.6	95.1	2,665

Total Annual Expected Facility Burdens

The total annual burdens for all existing facilities and all new facilities are shown in Exhibits 11 and 12. The approximately 459,000 existing facilities will incur a combined burden of about 2.5 million hours and $68 million. In addition, around 4,590 new facilities will incur a combined burden of 207,000 hours and $5.8 million. The total annual reporting and recordkeeping burden to the regulated community as a result of the SPCC Program is estimated to be approximately 2.7 million hours at a cost of about $74 million.

EXHIBIT 11.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—ALL EXISTING FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial	Technical	Clerical		
Storage:					
Small	75,157	758,404	17,644	1,013,485	$27,581,027
Medium	10,200	200,909	29,054	240,163	6,607,489
Large	1,581	60,654	4,504	66,739	1,862,563
Production:					
Small	47,940	676,968	113,312	838,220	23,088,383
Medium	16,728	270,183	47,650	334,561	9,158,414
Large	0	0	0	0	0
Total	151,606	1,967,118	212,164	2,493,168	68,297,876

EXHIBIT 12.—ESTIMATED ANNUAL BURDEN HOURS AND COSTS—ALL NEW FACILITIES

Type of facility	Annual burden hours			Total burden hours	Annual cost
	Managerial	Technical	Clerical		
Storage:					
Small	13,662	62,504	10,474	86,640	$2,486,233
Medium	1,854	15,126	2,039	19,019	536,768
Large	288	4,126	413	4,827	135,181
Production:					
Small	8,718	45,697	6,684	61,099	1,750,741
Medium	3,042	25,071	3,346	31,459	887,491
Large	0	0	0	0	0
Total	27,564	152,524	22,956	203,044	5,796,414

No person is 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 displayed at 40 CFR Part 9.

Send comments regarding these matters, or any other aspects of the information collection, including suggestions for reducing the burden, to the address listed above under **ADDRESSES** near the top of this Notice.

Dated: April 1, 1996.

Elaine F. Davies,

Acting Director, Office of Emergency and Remedial Response.

[FR Doc. 96–8481 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5415–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 18, 1996 Through March 22, 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.

Summary of Rating Definitions

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environmment, or the EPA reviewer has identified new reasonably

available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

Draft EISs

ERP No. D–NOA–E64016–FL Rating LO, Florida Keys National Marine Sanctuary Comprehensive Management Plan, Implementation and Special-Use-Permit, Monroe County, FL.

Summary: EPA had no objections to the proposed project. Furthermore, EPA believed that the Florida Keys Management Plan/EIS is a well-conceived comprehensive blueprint for saving the fragile coral reef ecosystem that is threatened by unsustainable human activities.

ERP No. D–SFW–K99028–CA Rating EC2, Programmatic EIS—Natural Community Conservation Plan/Habitat Conservation Plan, Implementation and Associated Incidental Take Permit Issuance, Central and Coastal Subregion, Orange County, CA.

Summary: EPA had environmental concerns with the scarce information provided in the joint programmatic EIS on the role of this NCCP/HCP in the overall NCCP effort and regional species population viability; potential effects on water quality, aquatic resources and air quality; adequate and sound science; subsequent environmental reviews; funding and administration of the proposed plan and environmental justice issues. EPA commended the US Fish and Wildlife Service and project proponents for the multi-species/multi-habitat approach, incorporation of proactive measures to minimize adverse impacts on habitat approved for conversions, the commitment to adaptive management and emphasis on incorporating nearly all major stakeholders in protecting the diverse ecosystems present in the plan area.

ERP No. D–USN–11021–PA Rating EC2, Philadelphia Naval Base, Disposal and Reuse, Implementation, Philadelphia, PA.

Summary: EPA expressed environmental concerns regarding potential wetland impacts, site contamination and remedial action. EPA requested that these issues be discussed in more detail in the final EIS.

ERP No. DS–NOA–E91007–00 Rating LO, South Atlantic Region Shrimp Fishery Management Plan, Implementation, Additional Information, Amendment 2 (Bycatch Reduction), Exclusive Economic Zone (EEZ), NC, SC, FL and GA.

Summary: EPA had no objections to the proposed actions, but stressed the need to research Bycatch Reduction Devices that will increase the catch-per-unit effort for shrimp and achieve bycatch reductions.

Final EISs

ERP No. F–BLM–K08018–CA, Alturas 345 Kilovolt (KV) Electric Power Transmission Line Project, Construction, Operation and Maintenance, Right-of-Way Grant Approval, Special-Use-Permit and COE Section 404 Permit, Susanville District, Modoc, Lassen and Sierra Counties, CA and Washoe County, NV.

Summary: EPA continued to express environmental concerns about increased voltages in existing power lines near residential areas and EPA suggested that information to address this should be included in the Record of Decision.

ERP No. F–DOE–A00168–00, Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel, Implementation, United States and Abroad.

Summary: EPA had no objections to the proposed project.

ERP No. F–FHW–L40191–AK, Whittier Access Project, Construction between Port of Whittier and Seward Highway, Funding, Right-of-Way Agreement and COE Section 10 and 404 Permits, Chugauch National Forest, Municipality of Anchorage, City of Whittier, AK.

Summary: EPA provided no formal written comments to the preparing agency. EPA had no objection to the preferred alternative as described in the final EIS.

Dated: April 2, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–8484 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5415–2]

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 March 25, 1996 Through March 29, 1996 Pursuant to 40 CFR 1506.9.

EIS No. 960137, Draft EIS, AFS, MT, Sheep Range and China Basin Salvage Project, Implementation, Kootenai National Forest, Libby Ranger District, Lincoln County, MT, Due: May 20, 1996, Contact: Leanne Martin (406) 293–6211.

EIS No. 960138, Draft EIS, FAA, HI, Kahului Airport Master Plan Improvements, Implementation, Funding and Approval of Permits, Kahului, Maui County, HI, Due: May 23, 1996, Contact: David J. Welhouse (808) 541–1243.

EIS No. 960139, Final EIS, FHW, WI, US 151/Fond du Lac Bypass Construction, US 151 and CTH ''D'' to US 151 and WI–149, Funding, Fond du Lac County, WI, Due: May 06, 1996, Contact: Richard C. Madrzak (608) 829–7510.

EIS No. 960140, Final EIS, BLM, MT, Zortman and Landusky Mines Reclamation Plan Modifications and Mine Life Extensions, Approval of Mine Operation, Mine Reclamation and COE Section 404 Permits, Little Rocky Mountains, Phillip County, MT, Due: May 06, 1996, Contact: Scott Haight (406) 538–7461.

EIS No. 960141, Final EIS, AFS, CO, UT, Steamboat Ski Area Expansion, Implementation, Medicine Bow-Routt National Forest, Mt. Weiner, Special-Use-Permit and COE Section 404 Permit, Routt County, CO, Due: May 06, 1996, Contact: Wendy Schmitzer (970) 879–1870.

EIS No. 960142, Draft EIS, NPS, NB, Niobrara National Scenic River, General Management Plan, Niobrara/Missouri National Scenic Riverways, Implementation, Brown, Cherry, Keya Paha and Rock Counties, NB, Due: May 20, 1996, Contact: Warren Hill (402) 336–3970.

EIS No. 960143, Draft EIS, FHW, TN, Shelby Avenue/Demonbreum Street Corridor, from I–65 North to I–40

West in Downtown Nashville, Funding, U.S. Coast Guard Permit and COE Section 404 Permit, Davidson County, TN, Due: May 20, 1996, Contact: Dennis C. Cook (615) 736–5394.

EIS No. 960144, Draft EIS, SFW, WA, Washington State Department of Natural Resources (WDNR) Habitat Conservation Plan (HCP), Issuance of a Permit for Incidental Take of Federally-Listed Species and Implementation of the Multi-Species Plan for Lands Managed by WDNR, WA, Due: June 04, 1996, Contact: William Vogel (360) 534–9330.

The US Department of Interior's, Fish and Wildlife Service and US Department of Commerce (DOC) are Joint Lead Agencies for this project. Contact Person for (DOC) is Steven W. Landino (360) 534–9330.

EIS No. 960145, Draft EIS, DOE, TX, Pantex Plant Continued Operation and Associated Storage of Nuclear Weapon Components, Implementation, Approvals and Permits Issuance, Carson County, TX, Due: July 05, 1996, Contact: Nanette D. Founds (505) 845–4212.

EIS No. 960146, Draft EIS, USN, CA, Naval Station Long Beach Disposal and Reuse, Implementation, COE Section 10 and 404 Permits Issuance and Possible NPDES Permit Issuance, Los Angeles County, CA, Due: May 20, 1996, Contact: Jo Ellen Anderson (619) 532–3912.

EIS No. 960147, Final EIS, TVA, TN, Upper Tennessee River Navigation Improvement Project, Rehabilitation and/or Construction, Chickamauga Dam—Navigation Lock Structural Improvement Alternative, Funding, NPDES Permit, Coast Guard Bridge Permit and COE Section 404 Permits, Tennessee River, Hamilton County, TN, Due: May 06, 1996, Contact: W. Gary Brock (423) 632–8877.

EIS No. 960148, Final EIS, BLM, WY, Green River Resource Area Land and Resource Management Plan, Implementation, Rock Springs District, Sweetwater, Fremont, Uinta, Sublette and Lincoln Counties, WY, Due: May 06, 1996, Contact:Joe Patty (307) 775–6101.

Dated: April 2, 1996.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 96–8485 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5415–1]

Bayou Lafourche Sipho Fresh Water Diversion Restoration Project, Louisiana

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

Notice of Intent to conduct public scoping meetings associated with the planning and evaluation of the Bayou Lafourche Siphon Fresh Water Diversion Restoration Project in Louisiana. The Bayou Lafourche Siphon Project is authorized under the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) PL 101 (646).

PURPOSE: To meet the National Environmental Policy Act (NEPA) and CWPPRA requirements for consideration of environmental impacts, benefits and costs associated with diversion of freshwater and sediments from the Mississippi River to the Bayou Lafourche at Donaldsonville, Louisiana, and into coastal wetland areas.

SUMMARY: The CWPPRA requires selection of projects on an annual basis for implementation to benefit, protect and restore coastal wetlands. On February 28, 1996, the CWPPRA Task Force administering the responsibilities of CWPPRA, designated the Bayou Lafourche Siphon Project to the fifth priority project list submitted to Congress, with the added requirement to conduct engineering, design and evaluation as a first phase. The project is estimated to significantly benefit wetlands by providing freshwater, sediments and nutrients to degraded areas. This project is to be implemented as a partnership between the EPA, the State of Louisiana, Department of Natural Resources and the Bayou Lafourche Fresh Water District.

ALTERNATIVES: EPA may upon completion of the first phase proceed with implementation of the second and third phases for construction and monitoring or may determine not to proceed with the project.

SCOPING MEETINGS: EPA will hold a series of public meetings to receive input from the public on environmental, socio-economic, and engineering issues and concerns. EPA is seeking information and identification of impacts both adverse and beneficial on the project. The meetings will be held on the following days and locations:

Tuesday, April 30, 1996, Larose-Cut Off Junior High School Auditorium, 13356 West Main Street, Larose, LA 70373.

Wednesday, May 1, 1996, Assumption High School Auditorium, 4880 Highway 308, Napoleonville, LA 70390.

Thursday, May 2, 1996, City Hall, 609 Railroad Avenue, Donaldsonville, LA 70346.

Thursday, May 9, 1996, Thibodaux High School Auditorium, 1355 Tiger Drive, Thibodaux, LA 70301.

All meetings will begin at 6:30 p.m. on the night designated. Additional information on the project and schedule will be provided at the meetings. For scoping comments or additional information contact: Mr. Norm Thomas, Technical Committee CWPPRA, EPA Water Quality Field Office, Suite 173, 777 Florida St., Baton Rouge, Louisiana 70801, Telephone: (504) 389–0736, FAX: (504) 389–0704. For planning purposes and defining the scope of the project and evaluation, please provide your comments by May 31, 1996.

Dated: April 2, 1996.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 96–8483 Filed 4-4–96; 8:45 am]

BILLING CODE 6560-50-P

[FRL–5453–8]

EPA's Drinking Water Health Advisory Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of a stakeholder meeting on the Drinking Water Health Advisory Program.

SUMMARY: The U.S. Environmental Protection Agency (EPA) has scheduled a one-day public meeting on EPA's Drinking Water Health Advisory Program. The purpose of this meeting is to have a dialogue with stakeholders and the public at large on the future of EPA's Drinking Water Health Advisory Program. This program is non-regulatory and is designed to provide guidance to individuals and government officials on the health effects of drinking water contaminants. The upcoming meeting is a continuation of a series of meetings with stakeholders that started in 1995 to obtain input on the Agency's Drinking Water Program. These meetings were initiated as part of the Drinking Water Program Redirection efforts to help refocus EPA's drinking water priorities and to take a risk-based approach in the allocation of program resources. Thus, the Agency seeks to ensure that the highest priority chemicals are targeted for public health protection. At the upcoming meeting, EPA is seeking input from stakeholders on a number of issues related to the Health Advisory Program

as a first step in the assessment of this program's effectiveness.

DATES: The stakeholder meeting on the Drinking Water Health Advisory Program will be held on May 21, 1996 from 9:00 a.m. to 4:30 p.m.

ADDRESSES: Resolve, Inc. (an EPA contractor) is utilizing TLI Systems, Inc. as a subcontractor to provide logistical support for the stakeholders meeting. The meeting will be held at the Resolve, Inc. offices at 2828 Pennsylvania Avenue (Suite 402), N.W. Washington, D.C. 20007.

Members of the public may submit written comments pertaining to the Drinking Water Health Advisory Program to: Ms. Barbara Corcoran, Office of Science and Technology, U.S. Environmental Protection Agency, (Mail Code: 4304), 401 M Street, S.W. Washington, D.C. 20460. It would be most helpful for the success of the meeting to receive written comments 10 working days prior to the meeting.

Members of the public wishing to attend the meeting may register by phone by contacting Ms. Adriane Alexander at TLI Systems, Inc. (Phone: 301–718–2276, ext. 500) by May 10. Those registered for the meeting will receive background materials at least one week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: For general information about the meeting logistics, please contact Ms. Adriane Alexander at TLI Systems, Inc., 4340 East West Highway, Suite 1120, Bethesda, Maryland 20814 (Phone: 301–718–2276, ext. 500); Fax: 301–718–2277).

For information on the Drinking Water Health Advisory Program, please contact Ms. Barbara Corcoran, at the U.S. Environmental Protection Agency, 401 M Street, S.W. Washington, D.C. 20460 (Phone: 202–260–1332; Fax: 202–260–1036).

SUPPLEMENTARY INFORMATION:

A. Background on the Drinking Water Health Advisory Program

The U.S. Environmental Protection Agency Drinking Water Health Advisory Program was initiated in 1978 to provide information and guidance to individuals or agencies concerned with potential risk from drinking water contaminants for which no national regulations exist. Health Advisories are developed for contaminants that meet two criteria: (1) The contaminant has the potential to cause adverse health effects in exposed humans; and (2) the contaminant is either known to occur or might reasonably be expected to occur in drinking water supplies. Each Health Advisory contains information on the nature of the adverse health effects associated with the contaminant and the concentrations of the contaminant that would not be anticipated to cause an adverse effect following various periods of exposure. Health Advisories are developed for one-day, ten-day, longer term (approximately 7 years, or 10% of an individual's lifetime) and lifetime exposure based on data describing noncarcinogenic end points of toxicity. In addition, the Health Advisory summarizes information on available analytical methods and treatment techniques for the contaminant. To date, EPA has issued over 150 Health Advisories covering a wide variety of inorganic, pesticides and nonpesticide organic chemicals, munition related compounds, and microbials.

B. Request for Stakeholder Involvement

EPA began a series of stakeholder meetings in March of 1995 to obtain input on a number of issues related to the Agency's Drinking Water Program. Separate stakeholder meetings were conducted on priorities for the Drinking Water Program; scientific data needs; treatment technology; health assessment; analytical methods; source water protection; small systems capacity building; focusing and improving implementation; revising chemical monitoring requirements and defining source protection as a best available technology (BAT); and other revisions to strengthen enforcement and implementation. Input from those meetings helped the Agency in the development of a draft comprehensive drinking water redirection plan released for public comment on November 19, 1995 (USEPA, Drinking Water Program Redirection Proposal, A Public Comment Draft; EPA 810–D–95–001. Nov. 1995).

The upcoming meeting deals specifically with EPA's efforts to assess the existing Drinking Water Health Advisory Program in order to determine what changes should be made to this program to make it more effective in the future. The specific issues for discussion at the meeting include (but may not be limited to) the following:

(1) How and when are drinking water health advisories used by State governments and others?

(2) Are less-than-lifetime health advisory values used, and if so, how?

(3) Do you suggest any changes to the current health advisory methodology?

(4) What chemicals are of greatest concern for development of new health advisories?

(5) Which existing Health Advisories should be revised?

(6) How should the agency prioritize chemicals for the health advisory program in the future?

(7) Is the present format and content of the health advisory documents useful? Would you like other kinds of information included than currently provided?

(8) Do you find the summary Fact Sheets useful? Should EPA continue this practice?

(9) Are the summary tables on the status of health advisories helpful? Should EPA include additional information to the summary tables? What kind of information (e.g., critical endpoints, analytical methods, treatment technologies)?

(10) Would it be useful to develop a clearinghouse on States-developed health advisories? How would it work?

(11) What mechanisms for obtaining current information on the Health Advisory Program are most useful to you?

(12) Do States and other stakeholders need guidance on how to use health advisories?

(13) Should EPA expand the scope of the Health Advisory Program to incorporate information on other water quality issues (e.g., aquatic life concerns, fish contamination levels safe for human consumption, etc.)?

EPA has convened this public meeting to hear the views of stakeholders on how the current Health Advisory Program is working and how it can be improved. The public is invited to provide comments on the issues listed above or other issues related to the Health Advisory Program in writing or during the May 21, 1996 meeting.

Dated: March 26, 1996.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 96–8482 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5454–4]

Science Advisory Board; Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that several committees of the Science Advisory Board (SAB) will meet on the dates and times described below. All times noted are Eastern Time. All meetings are open to the public. Due to limited space, seating at meetings will be on a first-come basis; for teleconference meetings, the number of available phone lines is limited. For further information concerning specific meetings, please contact the individuals listed below.

Documents that are the subject of SAB reviews are normally available from the originating EPA office and are *not* available from the SAB Office.

(1) Clean Air Scientific Advisory Committee's (CASAC) Air Quality Models Subcommittee (AQMS): The Air Quality Models Subcommittee will continue its review of the technical aspects of the Agency's Air Quality Models with a teleconference meeting on Friday, April 26, 1996 from 11:00 am to 1:00 pm. The AQMS formally began to review air quality models as a component of the Clean Air Act (CAA) Section 812 Cost-Benefit Study in a series of public teleconferences on October 1, 1993 and October 21, 1993, with a follow-up review meeting on December 2, 1993 (See 58 FR 49297, September 22, 1993, and 58 FR 60628, November 17, 1993). The Subcommittee is conducting this specialty review on air quality models on behalf of the Clean Air Act Compliance Analysis Council (CAACAC) as an activity required under Section 812 of the CAA. This teleconference meeting is a continuation of the above reviews as the Agency prepares its final report to Congress. The charge to the Subcommittee is to review the analytical methodologies, data sources, implementation, and results of the air quality modeling component of the Section 812 Retrospective Analysis, and provide advice to the CAACAC regarding the reasonableness, technical merits, and appropriate interpretations of the modeling results.

The draft documents that are the subject of this review are available from the originating EPA office as noted below. There are eleven (11) draft documents being provided to the AQMS. Nine draft documents are being provided as background (Items 1 through 9), while the other two are being submitted for review (Items 10 and 11). These documents are: *Background Documents:* (1) The Benefits and Costs of the Clean Air Act, 1970 to 1990—Report to Congress, Chapter 3: Emissions, Draft, March 1996; (2) The Benefits and Costs of the Clean Air Act, 1970 to 1990—Report to Congress, Appendix B: Emissions Modeling, Draft, March 1996; (3) Retrospective Analysis of Ozone Air Quality in the United States, Final Report, March 1996; (4) Retrospective Analysis of Particulate Matter Air Quality in the United States, Draft Report, September 1992; (5) PM Interpolation Methodology for the Section 812 Retrospective Analysis, Memo from J. Lansstaff to J. DeMocker, pending; (6) Retrospective Analysis of Particulate Matter Air Quality in the United States, Final Report, March, 1996; (7) Retrospective Analysis of SO_2, NO_x, and CO Air Quality in the United States, Final Report, November 1994; (8) Retrospective Analysis of the Impact of the Clean Air Act of Urban Visibility in the Southwestern United States, Final Report, October 1994; (9) Estimation of Regional Air Quality and Deposition Changes Under Alternative Section 812 Emissions Scenarios Predicted by the Regional Acid Deposition Model, RADM, Draft Report, October 1995. *Review Documents:* (10) The Benefits and Costs of the Clean Air Act, 1970 to 1990—Report to Congress, Chapter 4: Air Quality, Draft, March 1996, and (11) The Benefits and Costs of the Clean Air Act, 1970 to 1990—Report to Congress, Appendix C: Air Quality Modeling, Draft, March 1996.

To discuss technical aspects of the above draft documents, please contact Mr. James DeMocker, Office of Policy Analysis and Review (OPAR) (MC 6103), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Tel. (202) 260–8980; FAX (202) 260–9766, or via the Internet at: democker.jim@epamail.epa.gov. To obtain single copies of the draft documents, please contact Ms. Eileen Pritchard, Secretary, U.S. Environmental Protection Agency, Office of Policy, Planning and Evaluation (OPPE), Economic Analysis and Innovation Division (MC 2127), 401 M Street, SW, Washington, DC 20460. Tel.(202) 260–8465.

To obtain copies of the teleconference agenda, please contact Mrs. Diana L. Pozun, Secretary, Radiation Advisory Committee, Tel. (202) 260–6552; FAX (202) 260–7118; or via the Internet: pozun.diana@epamail.epa.gov). To discuss technical aspects of the draft commentary, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, Radiation Advisory Committee, Tel. (202) 260–2560; FAX (202) 260–7118; or via the Internet: kooyoomjian.jack@epamail.epa.gov). Members of the public who wish to make a brief oral presentation at this teleconference should contact Mrs. Diana L. Pozun no later than April 23, 1996.

(2) Radiation Advisory Committee (RAC): The Radiation Advisory Committee (RAC) is meeting via teleconference on Tuesday, April 30, 1996 from 11:00 am to 1:00 pm. The RAC is planning to discuss its draft commentary (''Commentary on the Scientific Basis for Apportioning of Risk Among the ICRP Publication 66 Regions of the Respiratory Tract,'' dated March 27, 1996) concerning the new ICRP (International Commission on Radiological Protection) Human Respiratory Tract Model for Radiological Protection. The new ICRP model was designed to accommodate the potentially large differences in the doses received and in the radiation sensitivities of the various tissues comprising the respiratory tract, as well as being compatible with the ICRP dosimetry system.

To obtain copies of the teleconference agenda or the draft commentary, please contact Mrs. Diana L. Pozun, Secretary, Radiation Advisory Committee, Tel. (202) 260–6552; FAX (202) 260–7118; or via the Internet: pozun.diana@epamail.epa.gov. To discuss technical aspects of the draft commentary, please contact Dr. K. Jack Kooyoomjian, Designated Federal Official, RAC, Tel. (202) 260–2560; FAX (202) 260–7118; or via the Internet: kooyoomjian.jack@epamail.epa.gov. Members of the public who wish to make a brief oral presentation at this teleconference should contact Mrs. Diana L. Pozun no later than April 23, 1996.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, opportunities for oral comment at teleconference meetings will be usually limited to three minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date (usually one week prior to a meeting), may be mailed to the subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided to the subcommittee at its meeting, except for teleconferences, where brief written materials may be faxed to the participants, with more detailed or lengthy materials received too close to the teleconference to be mailed to the subcommittee or committee participants shortly after the teleconference. Written comments may be provided up until the time of the meeting.

Dated: March 27, 1996.

John R. Fowle III,

Acting Staff Director, Science Advisory Board.

[FR Doc. 96–8477 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5453–7]

Public Meetings of the Urban Wet Weather Flows Advisory Committee and the Storm Water Phase II Advisory Subcommittee

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Environmental Protection Agency (EPA) is convening two separate public meetings in April and two separate meetings, including a joint session, in May: (1) The Urban Wet Weather Flows (UWWF) Advisory Committee meeting on April 18–19, 1996 and (2) the Storm Water Phase II Advisory Subcommittee meeting on April 22–23, 1996. These meetings are open to the public without need for advance registration. The UWWF Advisory Committee will continue discussions of issues related to monitoring, watershed framework, storm water effluent limitations, no exposure, physical impacts, and water quality standards in a wet weather context. The Storm Water Phase II Advisory Subcommittee will continue discussions on issues concerning the framework for Phase II implementation.

On May 29, 1996, the Storm Water Phase II Advisory Subcommittee will meet to continue discussions on issues concerning the framework for Phase II implementation; and (2) the Urban Wet Weather Flows (UWWF) Advisory Committee will meet on May 31, 1996. A joint meeting of UWWF and the Storm Water Phase II Advisory Committee will be held on May 30 to discuss issues which affect both storm water Phase I and Phase II, and the timing associated with the rulemaking for Phase II.

DATES: The UWWF Advisory Committee meeting will be held on April 18–19, 1996. On April 18, the meeting will begin at approximately 10 a.m. EST and run until approximately 5:30 p.m. On April 19, the meeting will run from approximately 8:00 a.m. until 3:30 p.m. The Storm Water Phase II meeting will be held on April 22–23, 1996. The April 22 meeting will begin promptly at 9:00 a.m. EST and end at approximately 5:30 p.m. On April 23, the meeting will begin at 9:00 a.m. and end at approximately 4:30 p.m. Same hours for the separate May meetings.

On May 30, 1996, the *joint* meeting of UWWF and the Storm Water Phase II Advisory Committee will be held from 9:00 a.m. EST and end at approximately 4:30 p.m.

ADDRESSES: Both April meetings will be held at the Holiday Inn Arlington at Ballston, 4610 N. Fairfax Drive, Arlington, VA 22203. The Holiday Inn Arlington/Ballston's telephone number is (703) 243–9800.

The May joint meeting will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA. The Crystal Gateway Marriott's telephone number is (703) 920–3230. A block of rooms are reserved from May 28–30, 1996. The rooms are listed under ''EPA storm water meeting.''

FOR FURTHER INFORMATION CONTACT: For the Phase II Subcommittee meeting, contact Pam Mazakas, Storm Water Phase II Matrix Manager, Office of Wastewater Management, at (202) 260–6599.

For the UWWF Advisory Committee meeting, contact William Hall, Urban Wet Weather Matrix Manager, Office of Wastewater Management, at (202) 260–1458, or Internet: hall.william@epamail.epa.gov.

Dated: April 1, 1996.

Michael B. Cook,

Director, Office of Wastewater Management, Designated Federal Official.

[FR Doc. 96–8480 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00429; FRL–5360–8]

Worker Protection Standard; Notice of Public Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meetings.

SUMMARY: EPA is holding a series of public meetings to solicit information from workers, growers and others regarding regulations designed to protect agricultural workers and pesticide handlers. The first meeting was held in Winter Haven, Florida on February 22, 1996. The meetings are part of EPA's commitment to monitor and evaluate the impact and performance of the Worker Protection regulations. The public meetings are designed to provide an opportunity for those directly affected by the regulations to relay their experiences after the regulations' first full year of implementation. By reaching out to those on the frontlines and for whom these regulations are intended to provide public health protection, EPA will better understand how the program is working and where meaningful improvements should be made. The meetings are open to the public.

DATES: The following is the schedule for the remaining public meetings:

April 10, 1996, Stoneville, Mississippi
April 24, 1996, McAllen, Texas
June 19, 1996, Pasco, Washington
June 26, 1996, Biglerville, Pennsylvania
July 23, 1996, Fresno (area), California
July 25, 1996, Monterrey (area), California
August 7, 1996, Portageville, Missouri
August 21, 1996, Tipton, Indiana

The date and location for a public meeting in Puerto Rico will be announced at a later date. There will not be a public meeting scheduled in Washington, DC as was previously noted.

ADDRESSES: The April 10, 1996 meeting will be held at the Delta Research and Extension Center, Old Leland Road, Stoneville, Mississippi. The April 24, 1996 meeting will be held at the McAllen International Civic Center, Tourist Center Building, 1300 S. 10th St., McAllen, Texas. Registration for both meetings will begin at 5 p.m., and the public meetings will begin at 7 p.m.

FOR FURTHER INFORMATION CONTACT: Jeanne Heying, Mail Code 7506C, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, Telephone: (703) 305–7164, Fax: (703) 308–2962, or EPA WPS representatives in regions hosting public meetings.

California meeting: Mary Grisier, (415) 744–1095.

Indiana meeting: Don Baumgartner, (312) 886–7835.

Mississippi meeting: Jane Horton, (404) 347–3555, ext. 6975.

Missouri meeting: Glen Yager, (913) 551-7296 or Kathleen Fenton, (913) 551–7874.

Pennsylvania meeting: Magda Rodriguez-Hunt, (215) 587–0442.

Puerto Rico meeting: Fred Kozak, (908) 321–6769.

Texas meeting: Jerry Oglesby, (214) 665–7563.

Washington meeting: Allan Welch, (206) 553–1980.

SUPPLEMENTARY INFORMATION:

I. Background

In 1992, EPA issued final regulations governing the protection of employees on farms, forests, nurseries, and greenhouses from occupational exposures to agricultural pesticides. The WPS covers both workers in areas treated with pesticides, and employees who handle (mix, load, apply, etc.) pesticides. More specifically, the provisions of the Standard are intended to:

Inform employees about the hazards of pesticides:

- By requiring provisions for basic safety training, posting and distribution of information about the pesticides; and

Eliminate exposure to pesticides:

• By prohibiting against the application of pesticides in a way that would cause exposure to people,
• By requiring time-limited restrictions for workers to return to areas following the application of pesticides, and
• By requiring provisions for workers and handlers to wear proper protective clothing/equipment; and

Mitigate exposures that occur:
• By requiring arrangements for the supply of soap, water, and towels in the case of pesticide exposure, and
• By requiring provisions for emergency assistance.

II. Information Sought by EPA

EPA believes that agricultural workers, handlers and growers are best able to provide unique insights on the effects of the WPS requirements. Their input will be supplemented by data generated from other sources during the course of EPA's longer-term evaluation effort. As a follow-up to the public meetings, EPA will develop a summary of information gained. These tools will be used to develop strategies for improving the administration of the WPS. The Agency is specifically interested in hearing public comment, or receiving written comment, on the following topics.

1. Assistance from regulatory partners and others involved with the WPS.
2. Usefulness of available assistance.
3. Understanding WPS requirements.
4. Success in implementing the requirements.
5. Difficulties in implementing the requirements.
6. Suggestions to improve implementation.

III. Registration to Make Comments

Persons who wish to speak at the public meeting are encouraged to register at the meeting location. The Agency encourages parties to submit data to substantiate comments whenever possible. All comments, as well as information gathered at the public meetings will be available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday (except legal holidays) at the Public Response and Program Resource Branch, Field Operations Division, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted as part of any comment may be claimed as confidential by marking any or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with the 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 the Agency without prior notice to the submitter. The Agency anticipates that most of the comments will not be classified as CBI, and prefers that all information submitted be publicly available. Any records or transcripts of the open meetings will be considered public information and cannot be declared CBI.

IV. Structure of the Meeting

EPA will open the meeting with brief introductory comments. EPA will then invite those parties who have registered to present their comments. EPA anticipates that each speaker will be permitted 5 minutes to make comments. After each speaker, Agency and state representatives may ask the presenter questions of clarification. The Agency reserves the right to adjust the time for presenters depending on the number of speakers.

Members of the public are encouraged to submit written documentation to EPA at the meeting to ensure that their entire position goes on record in the event that time does not permit a complete oral presentation.

Any information may be delivered to Jeanne Heying at the address stated earlier in this Notice.

Dated: April 2, 1996.

William L. Jordan,

Director, Field Operations Division, Office of Pesticide Programs.

[FR Doc. 96–8654 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–F

[FRL–5451–4]

Proposed Administrative Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: The U.S. Environmental Protection Agency is proposing to enter into a *de minimis* settlement pursuant to Section 122(g)(4) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. § 9622(g)(4). This proposed settlement is intended to resolve the liabilities under CERCLA of four *de minimis* parties for response costs incurred and to be incurred at the C&D Recycling Superfund Site, Foster Township, Luzerne County, Pennsylvania.

DATES: Comments must be provided on or before May 6, 1996.

ADDRESSES: Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107, and should refer to: *In Re C&D Recycling Superfund Site,* Foster Township, Luzerne County, Pennsylvania, U.S. EPA Docket No. III–96–05–DC.

FOR FURTHER INFORMATION CONTACT: Yvette Hamilton-Taylor (3RC32), 215/597–3233, U.S. Environmental Protection Agency, 841 Chestnut Street, Philadelphia, Pennsylvania 19107.

SUPPLEMENTARY INFORMATION: Notice of *De Minimis* Settlement: In accordance with Section 122(i)(1) of CERCLA and Section 7003(d) of the Solid Waste Disposal Act, 42 U.S.C. § 6973(d), notice is hereby given of a proposed administrative settlement concerning the C&D Recycling Superfund Site, in Foster Township, Luzerne County, Pennsylvania. The agreement was proposed by EPA Region III on September 28, 1995. Subject to review by the public pursuant to this Notice, the agreement has met with the approval of the Attorney General or her designee, United States Department of Justice. Below are listed the parties who have executed binding certifications of their consent to participate in this settlement:

1. Consolidated Edison Company of New York, Inc.
2. Metal Exchange Corporation
3. New York Transit Authority, Inc.
4. ICI Explosives USA, Inc.

These four parties collectively have agreed to pay $63,294.00 subject to the contingency that EPA may elect not to complete the settlement if comments received from the public during this comment period disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Monies collected from *de minimis* parties will be applied towards past and future response costs incurred at or in connection with the Site. The settlement includes a premium to cover the risk of cost overruns or increased costs to address conditions at the Site previously unknown to EPA but discovered after the effective date of the Consent Order.

EPA is entering into this agreement under the authority of Sections 107 and 122(g) of CERCLA, 42 U.S.C. §§ 9607 and 9622(g). Section 122(g) authorizes early settlements with *de minimis* parties to allow them to resolve their liabilities at Superfund Sites without incurring substantial transaction costs.

Under this authority, EPA proposes to settle with a number of potentially responsible parties at the C&D Recycling Company, Inc. Superfund Site, each of whom is responsible for less than one percent of the volume of hazardous substance disposed of at the Site. EPA issued a draft settlement proposal to the *de minimis* parties on June 14, 1995 and invited comments and challenges to the volumetric ranking. On September 28, 1995, EPA issued a final settlement proposal embodied in an Administrative Order on Consent which included several modifications made in response to comments by *de minimis* parties in letters to EPA and during negotiations with the Agency. The proposed settlement reflects and was agreed upon based on conditions known to parties on September 28, 1995. *De minimis* settling parties will be required to pay their volumetric share of the Government's and a Potentially Responsible Party's past response costs and the estimated future response costs at the C&D Recycling Company, Inc. Superfund Site excluding any federal claims for natural resource damages or any State claims.

The settlement as it is now proposed includes an adjustment to the volumetric share of an eligible *de minimis* party; this adjustment was made prior to the final settlement proposal being sent to all eligible parties on September 28, 1995, in response to information provided by this party to EPA. The party affected is New York Transit Authority, Inc.

The Environmental Protection Agency will receive written comments relating to this Agreement for thirty (30) days from the date of publication of this Notice. Moreover, pursuant to Section 7003(d) of the Solid Waste Disposal Act, 42 U.S.C. § 6973(d), the public may request a meeting in the affected area. A copy of the proposed Administrative Order on Consent can be obtained from the Environmental Protection Agency, Region III, Office of Regional Counsel, (3RC32), 841 Chestnut Building, Philadelphia, Pennsylvania, 19107 by contacting Yvette Hamilton-Taylor at (215) 597–3233.

Stanley L. Laskowski,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region III.

[FR Doc. 96–8479 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5454–3]

State Program Requirements; Application to Administer the National Pollutant Discharge Elimination System (NPDES) Program; Louisiana

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed approval of the Louisiana Pollutant Discharge Elimination System.

SUMMARY: The State of Louisiana has submitted a request for approval of the Louisiana Pollutant Discharge Elimination System (LPDES) Program pursuant to Section 402 of the Clean Water Act. If EPA approves the LPDES program, the State will administer that program *in lieu* of the National Pollutant Discharge Elimination System (NPDES) program now administered by EPA in Louisiana. Today, EPA proposes to approve the State's request and provides notice of a public hearing and comment period on that proposal. EPA will either approve or disapprove the State's request after considering all comments it receives.

DATES: EPA Region 6 will hold a public hearing on May 9, 1996 beginning at 7:00 p.m. for submission of verbal or written comments on EPA's program approval proposal. A public discussion for questions and answers will be held prior to the hearing from 3:00 p.m. until 5:00 p.m. To ensure issues brought up during the meeting from 3:00 to 5:00 are considered in EPA's decision, they should be made in writing to EPA, or on record during the public hearing later that evening. EPA Region 6 will continue to accept written comments through May 20, 1996 at its office in Dallas, Texas. Copies of such written comments should also be provided to LDEQ.

ADDRESSES: The May 9, 1996, public hearing will be held at the Maynard Ketcham Building, 7310 Bluebonnet, Jimmy Swaggart Bible College Campus, Baton Rouge, Louisiana. Specific directions will be posted on the LDEQ headquarters building at 7290 Bluebonnet, adjacent to the Maynard Ketcham Building.

Written comments must be submitted to: Ms. Ellen Caldwell (6WQ–O), Water Quality Protection Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

A copy of each comment should be submitted to: Ms. Barbara Bevis, Office of Water Resources, LDEQ, P.O. Box 82215, Baton Rouge, Louisiana, 70884–2215.

Copies of documents Louisiana has submitted in support of its program approval request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at:

EPA Region 6
12th Floor Library
1446 Ross Avenue
Dallas, Texas 75202
(214) 665–7513

LDEQ Headquarters
7290 Bluebonnet
Baton Rouge, LA 70884–2215
(504) 765–2740

LDEQ Acadianna Regional Office
100 Asma Blvd., Suite 151
Lafayette, LA 70508
(318) 262–5584

LDEQ Bayou Lafourche Regional Office
104 Lococo Drive
Raceland, LA 70394
(504) 532–6206

LDEQ Capitol Regional Office
11720 Airline Highway
Baton Rouge, LA 70817–1720
(504) 295–8583

LDEQ Kisatchie Central Regional Office
402 Rainbow Drive, Bldg. 402
Pineville, LA 71360
(318) 487–5656

LDEQ Northeast Regional Office
804 31st Street, Suite D
Monroe, LA 71211–4967
(318) 362–5439

LDEQ Northwest Regional Office
1525 Fairfield, Room 11
Shreveport, LA 71101–4388
(318) 867–7476

LDEQ Southeast Regional Office
3501 Chateau Boulevard–West Wing
Kenner, LA 70065
(504) 471–2800

LDEQ Southwest Regional Office
3519 Patrick Street, Room 265A
Lake Charles, LA 70605
318 475–8644

FOR FURTHER INFORMATION CONTACT: Ms. Ellen Caldwell at the address listed above or by calling (214) 665–7513 or Ms. Barbara Bevis at the address listed above or by calling (504) 765–2740.

Part or all of the State's submission (which comprises approximately 1930 pages) may be copied at the LDEQ office in Baton Rouge, or EPA office in Dallas, at a minimal cost per page. A copy of the entire submission may be obtained from the LDEQ office in Baton Rouge for a $108.36 fee.

Part of the State's program submission and supporting documentation should be available electronically within two weeks of this notice at the following internet address: http://WWW.DEQ.STATE.LA.US—select Office of Water Resources.

SUPPLEMENTARY INFORMATION: Section 402 of the Clean Water Act (Act) created

the NPDES program under which EPA may issue permits for the discharge of pollutants to waters of the United States under conditions required by the Act. Section 402 also provides that EPA may authorize a State to administer an equivalent state program upon a showing the State has authority and a program sufficient to meet the Act's requirements.

The basic requirements for state program approval are listed in 40 CFR Part 123. EPA Region 6 considers the documents submitted by the State of Louisiana complete at the time of this notice and believes they comply with the regulations found at 40 CFR 123. It thus proposes to approve the LPDES program as described by the Louisiana Department of Environmental Quality. EPA will consider final approval after all public comments have been considered.

On November 2, 1995, the Governor of Louisiana requested NPDES program approval and submitted a program description (including funding, personnel requirements and organization, and enforcement procedures), an Attorney General's statement, copies of applicable State statutes and regulations, and a Memorandum of Agreement (MOA) to be executed by the Regional Administrator or EPA Region and the Secretary of LDEQ. As a result of discussions between EPA and LDEQ staff, minor changes and additions have been made to some of those documents for the sake of clarity. Supplemental documents and consultation agreements under the Endangered Species Act and National Historic Preservation Act were added to the record on March 21, 25, 26, and April 1, 1996.

EPA's Regional Administrator is required to approve the submitted program within 90 days of submittal unless it does not meet the requirements of section 402(b) of the Act and EPA regulations. To obtain such approval, the State must show, among other things, that it has authority to issue permits which comply with the Act, authority to impose civil and criminal penalties for permit violations, and authority to ensure that the public is given notice and opportunity for a hearing on each proposed permit. The 90 day time frame has been extended by mutual agreement between EPA Region 6 and LDEQ (40 CFR 123.21) to allow for contemporaneous notice of consultation agreements under the Endangered Species Act and National Historic Preservation Act. After close of the comment period, EPA's Regional Administrator will decide to approve or disapprove the LPDES program for implementation *in lieu* of the federal NPDES program.

EPA's final decision to approve or disapprove the LPDES program will be based on the requirements of section 402 of the CWA and 40 CFR Part 123. If she approves the Louisiana program, the Regional Administrator will so notify the State. Notice will be published in the Federal Register and, as of the date of program approval, EPA will suspend issuance of NPDES permits in Louisiana (except for: sewage sludge permits under CWA § 405 and 40 CFR 503). The State's LPDES program will implement federal law and operate *in lieu* of the EPA-administered NPDES program. EPA will, however, retain the right to object to LPDES permits proposed by LDEQ, and if the objections are not resolved, issue the permit itself. If EPA's Regional Administrator disapproves the LPDES program, she will notify LDEQ of the reasons for disapproval and of any revisions or modifications to the program which are necessary to obtain approval.

PUBLIC HEARING PROCEDURES: The following procedures will be used at the May 9, 1996 public hearing:

1. The Presiding Officer shall conduct the hearing in a manner which will allow all interested persons wishing to make oral statements an opportunity to do so; however, the Presiding Officer may inform attendees of any time limits during the opening statement of the hearings.
2. Any person may submit written statements or documents for the record.
3. The Presiding Officer may, in his discretion, exclude oral testimony if such testimony is overly repetitious of previous testimony or is not relevant to the decision to approve or require revision of the submitted State program.
4. The transcript taken at the hearing, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Regional Administrator.
5. The hearing record shall be left open until the deadline for receipt of comments specified at the beginning of this Notice to allow any person time to submit additional written statements or to present views or evidence tending to rebut testimony presented at the public hearing.

Hearing statements may be oral or written. Written copies of oral statements are urged for accuracy of the record and for use of the Hearing Panel and other interested persons. Statements should summarize any extensive written materials. All comments received by EPA Region 6 by the deadline for receipt of comments, or presented at the public hearing, will be considered by EPA before taking final action on the Louisiana request for NPDES program approval.

Summary of the Louisiana Pollution Discharge Elimination System (LPDES) Permitting Program

Louisiana's LPDES program generally covers all discharges of pollutants subject to the federal NPDES program, but does not regulate the disposal of sewage sludge. If it approves the State program, EPA will thus continue to regulate sewage sludge disposal in Louisiana in accordance with Section 405 of the Act and 40 CFR Part 503.

The LPDES program is fully described in documents the State has submitted in accordance with 40 CFR 123.21, i.e., a Memorandum of Agreement (MOA) for execution by LDEQ and EPA; a Program Description outlining the procedures, personnel and protocols that will be relied on to run the state's permitting program; a Statement signed by the Attorney General that describes the legal authority which the state has adopted to administer a program equivalent to the federal NPDES program; and several agreements under which LDEQ will coordinate with the State Historic Preservation Officer and the U.S. Fish and Wildlife Service for the protection of antiquities and endangered species. The content of those documents is summarized below.

I. The EPA/LDEQ MOA

The requirements for MOAs are found in 40 CFR 123.24. A Memorandum of Agreement is a document signed by each agency, committing them to specific responsibilities. A MOA specifies these responsibilities and provides structure for the State's program management and EPA's program oversight.

The MOA submitted by the State of Louisiana has been signed by The Secretary of the Department of Environmental Quality. The Regional Administrator of U.S. EPA Region 6 will sign the document after the program has been determined approvable and all comments received during the comment period (including comments received at the public hearing) have been considered. The MOA submitted by LDEQ includes the following items:

Section 1 contains general statements describing the purpose of the MOA, partnership and responsibilities of LDEQ and EPA Region 6, and the scope of the LPDES program.

Section II describes the alternate responsibilities of the two agencies and agency jurisdiction over permits.

Section III describes all agreements on the review and issuance of LPDES permits. It covers LDEQ's responsibilities to issue permits, the transfer of EPA files to the State, and the State's application review and permit development process. Included are such things as procedures for permit modification or reissuance, and EPA's review of LPDES drafted individual and general permits. This section includes the State's commitment for responding to public concerns and providing public participation in connection with public hearings, evidentiary hearing, and administrative and judicial enforcement actions.

Section IV describes summary agreements between EPA and LDEQ that provide EPA with oversight of the LPDES enforcement program. These include those commitments on LDEQ's compliance monitoring, reviews, and inspections. LDEQ agrees to take penalty actions in accordance with the spirit of the EPA Penalty Policy.

Section V Describes how LDEQ will implement a pretreatment program. Specific implementation features include categorical determinations, removal credits, and variances from categorical standards.

Additional sections address such matters as submitting information from one agency to the other, performing program reviews, calculating time under the MOA, and EPA's independent powers.

II. Program Description

A program description submitted by a state seeking program approval must meet the minimum requirements of 40 CFR 123.22. It must provide a narrative description of the scope, structure, coverage and processes of the state program; a description of the organization, staffing and position descriptions for the lead state agency; and itemized costs and funding sources for the program. It must describe all applicable state procedures (including administrative procedures for the issuance of permits and administrative or judicial procedures for their review) and include copies of forms used in the program. It must further contain a complete description of the State's compliance and enforcement tracking program.

Parts I through IV describe the organization and structure of LDEQ, and list the qualification and duties of LDEQ staff.

Part V describes the legal authority for the LPDES system, the legal representation, and permitting processes for both individual permitting and general permitting. This part of the Program Description contains a flow chart of the permit processes from application to issuance, including EPA's review of the draft.

Part VI describes the program costs for two years, the resource needs and staffing requirements. It analyzes the program workload by major and minor permits, the pretreatment unit, the application verification unit, enforcement and surveillance inspections.

Part VII describes general administrative procedures for permitting and the administrative and judicial procedures for their review. It describes the procedures for the publication of rules, the procedures for holding public hearings and information requests and availability. It lists considerations for permitting prioritization. This part also describes many of the State's water quality planning procedures. Procedures for reviewing, revising, and updating the State program are listed, as well as requirements for annual report submission to EPA.

Part VIII describes specific procedures for permitting, and permit review. Descriptions include the application forms, permit writer review of application information, permit drafting, notice of permits, EPA review of draft permits, and public notice, comment and hearing procedures associated with EPA objections. It outlines the procedures which apply to administrative and judicial review of permit decisions, including District Court review, appellate court review, and citizen suits. This part also describes citizen notification and hotline availability.

Part IX describes compliance tracking and enforcement procedures for monitoring, inspections, and sampling. It describes pretreatment compliance inspection processes and all compliance tracking processes. This part of the Program Description is supplemented by the Enforcement Management System, which is a separate document prepared by the State containing the actual process details of permit enforcement and compliance tracking.

Part X describes LDEQ's pretreatment program procedures. The pretreatment program applies to those municipal wastewater treatment plants which receive industrial wastewater, and those industries which discharge to Publicly Owned Treatment Works. This part describes how municipalities are assessed for pretreatment requirements and pretreatment program approvals by the State.

Part XI describes LDEQ general permitting procedures; how and when a Notice of Intent will be required for coverage under LPDES general permits. While LDEQ and EPA do not follow the same procedures in issuing general permits, EPA regards the State's general permitting program functionally equivalent to its own. If the State determines to amend its LPDES program to issue permits by rule, these revisions will be made in accordance with 40 CFR 123.62(b).

III. Enforcement Management System (EMS)

States seeking authorization of their permitting and enforcement program under NPDES have the option of adopting EPA's enforcement policies, procedures, and guidance; or provide in their program package a complete description of their enforcement authority and compliance evaluation program (40 CFR 123.26 and 123.27). Louisiana elected to develop its own enforcement management system. An EMS outlines the ways the State systematically and efficiently identifies instances of noncompliance and provides timely and appropriate enforcement actions to achieve the final objective of full compliance by the permittee with the Clean Water Act. An EPA memo dated October 2, 1989, titled ''Final Version of the Revised Enforcement Management System,'' describes seven basic principals that are common to an effective EMS:

—Maintain a source inventory that is complete and accurate;
—Handle and assess the flow of information available in a systematic and timely basis;
—Accomplish a pre-enforcement screening by reviewing the flow of information as soon as possible after it is received;
—Perform a more formal enforcement evaluation where appropriate, using systematic evaluation screening criteria;
—Institute a formal enforcement action and follow-up whenever necessary;
—Initiate field investigations based on a systematic plan; and,
—Use internal management controls to provide adequate enforcement information to all levels of organization.

The LDEQ's Enforcement Management System (EMS) is a written outline or guide which discusses the procedures that will be followed to ensure that both federal and state regulatory requirements and goals are accomplished in a timely and appropriate manner.

The inspection and enforcement functions of the Office of Water

Resources reside in the Water Quality Management Division's Surveillance and Enforcement Sections. The Surveillance Section is headed by an Environmental Quality Program Manager and along with its administrative support is headquartered in Baton Rouge. It has field staff in each of the eight regional offices strategically located throughout the state (listed with addresses in this notice). Each Regional Surveillance Office is supervised by an Environmental Quality Coordinator.

The Surveillance Section is responsible for inspecting all permitted and unpermitted facilities which have or are believed to have a surface water discharge. The Surveillance Section is also responsible for the investigation of all citizen complaints involving waters of the State.

At this time LDEQ does not have a civil penalty policy for deriving administrative penalty amounts or reaching compromises. However, the State has committed to the development and implementation of a penalty policy. LDEQ will propose their policy by October 31, 1996, with finalization targeted for April 1, 1997. While the adoption of a penalty policy is highly recommended, it is not mandatory [40 CFR 123.27(c)], and is therefore not required prior to EPA authorization of the LPDES program. LDEQ is adopting a penalty policy to ensure the consistent assessment and collection of administrative penalties in their state.

In contrast to the compliance orders EPA issues under CWA § 309(a)(3), LDEQ's Compliance Orders (COs) are subject to appeal, a factor which has the potential to delay compliance.

IV. Attorney General's Statement

An Attorney General's Statement is required and described in regulations found at 40 CFR 123.23. Legal counsel representing the State must certify that the State has lawfully adopted statutes and regulations which provide the State agency with the legal authority to administer a permitting program in compliance with 40 CFR Part 123. The Attorney General's Statement from Louisiana certifies the State does indeed have the legal authority to administer the LPDES program in accordance with the regulations in 40 CFR 123; and correlates the State regulations and statutes to corresponding federal requirements.

Comments on the Described Program

The program submitted by the State of Louisiana has been determined to be complete in accordance with the regulations found at 40 CFR 123. EPA and LDEQ want to encourage public participation in this authorization process so that the citizens of Louisiana will understand the program in their state. Therefore, EPA requests that the public review the program that LDEQ has submitted and provide any comments they feel are appropriate. EPA and the State want the public to be able to effectively coordinate with LDEQ on LPDES permitting and enforcement actions. EPA will consider all comments on the LPDES program and/or its authorization in its decision.

Other Federal Statutes

A. National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that all federal agencies must consult with the State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) on all federal undertakings which may affect historic properties or sites listed or eligible for listing in the National Register of Historic Places. Regulations outlining the requirements of a Section 106 consultation on a federal undertaking are found at 36 CFR Part 800. Approval of the State permitting program under section 402 of the Clean Water Act is a federal undertakings subject to this requirement, but the State's subsequent issuance of LPDES permits is not. EPA has thus consulted in accordance with Section 106 of the NHPA to assure equivalent protection of eligible properties will be provided in connection with State permit actions. In that consultation, EPA, the SHPO and LDEQ outlined procedures by which LDEQ and the SHPO would confer on permit actions likely to affect historic properties. These processes are reflected in a Memorandum of Understanding between those two State agencies. In addition, an agreement was signed by EPA and the SHPO on EPA's oversight role and objection procedures when the two state agencies could not agree on the protection of antiquities in Louisiana. A statement in the EPA/LDEQ MOA for program approval provides EPA an additional opportunity to object to the issuance of a permit which would adversely affect a site on which the SHPO and LDEQ disagree. These consultation documents are available with the program package for public review and comment.

B. Endangered Species Act

Section 7 of the Endangered Species Act (ESA) requires that all federal agencies consult on federal actions which may affect federally listed species to insure they are unlikely to jeopardize the continued existence of those species or adversely modify their critical habitat. Regulations controlling consultation under ESA Section 7 are codified at 50 CFR Part 402. The approval of the State permitting program under section 402 of the Clean Water Act is a federal action subject to this requirement, but the State's subsequent LPDES permit actions are not. EPA is in the process of informal consultation with both the U.S. Fish and Wildlife Service (FWS or the Service) and the National Marine Fisheries Service (NMFS or the Service). In the course of consultation, EPA, the Services, and LDEQ have outlined procedures by which LDEQ and FWS, and/or NMFS will confer on permits which are likely to affect listed species. These processes are reflected in draft Memoranda of Understanding between the State and those federal agencies. In addition, an agreement between EPA and both Services has been drafted on EPA's oversight role and objection procedures when LDEQ and FWS and/or NMFS cannot agree on the protection of species in an individual State permit action. A statement in the EPA/LDEQ MOA for program approval provides EPA an additional opportunity to object to the issuance of a permit which would adversely effect a protected species or critical habitat when Services and LDEQ disagree. These draft documents are available with the program package for public review and comment.

C. Regulatory Flexibility Act

After review of the facts presented in this document, I hereby certify, pursuant to the provisions of 5 U.S.C. 605(b), that this proposal will not have a significant impact on a substantial number of small entities. The approval of the Louisiana NPDES permit program would merely transfer responsibilities for administration of the NPDES permit program from Federal to State government.

I hereby propose to authorize the LPDES program in accordance with 40 CFR part 123.

Dated: April 1, 1996.

Jane N. Saginaw,

Regional Administrator.

[FR Doc. 96–8458 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5454–7]

Reopening of the Public Comment Period for Proposed General NPDES Permit for Placer Mining in Alaska

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Reopening of the Public Comment Period.

SUMMARY: On January 31, 1996, EPA provided notice of the proposed modified general National Pollutant Discharge Elimination System (NPDES) permit No. AKG–37–0000 for Placer Mining in Alaska. 61 FR 3403. The public comment period schedule, proposed permit and fact sheet were published in the notice. At the request of interested parties, EPA is today providing notice that the public comment period has been reopened.

PUBLIC COMMENT PERIOD: Comments must be submitted by April 18, 1996.

PUBLIC COMMENTS: Interested persons may submit written comments on the draft general NPDES permit to: Environmental Protection Agency, Attn: Robert Robichaud (WD–137), 1200 Sixth Avenue, Seattle, Washington 98101. All comments should include the name, address, and telephone number of the commenter and a concise statement of comment and the relevant facts upon which it is based. Comments of either support or concern which are directed at specific, cited permit requirements are appreciated. Comments must be submitted to EPA on or before the extended expiration date of the public notice.

ADMINISTRATIVE RECORD: Copies of the proposed general NPDES permit and fact sheet are available for public review at the EPA Seattle address listed above; at the U.S. EPA, Anchorage Operations Office, Room 537, Federal Building, 222 West Seventh Avenue, #19, Anchorage, Alaska 99513 and are available upon request from the Region 10 Public Information Center at 1–800–424–4EPA (4372).

FOR FURTHER INFORMATION CONTACT: Tim Hamlin, EPA Region 10, at the EPA Seattle address listed above or telephone (206) 553–8311.

Dated: March 28, 1996.

David H. Teeter,

Acting Director, Office of Water.

[FR Doc. 96–8653 Filed 4–4–96; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

Notice of Open Special Meeting of the Advisory Committee of the Export-Import Bank of the United States

SUMMARY: The Advisory Committee was established by P.L. 98–181, November 30, 1983, to advise the Export-Import Bank on its programs and to provide comments for inclusion in the reports of the Export-Import Bank to the United States Congress.

TIME AND PLACE: Thursday, April 18, 1996, at 9:30 a.m. to 12:00 noon. The meeting will be held at EX–IM Bank in Room 1143, 811 Vermont Avenue NW., Washington, D.C. 20571.

AGENDA: The meeting agenda will include a discussion of the following topics: Advisory Committee Statutory Requirements, Export-Import Bank's Charter Renewal and other topics.

PUBLIC PARTICIPATION: The meeting will be open to public participation; and the last 10 minutes will be set aside for oral questions or comments. Members of the public may also file written statement(s) before or after the meeting. In order to permit the Export-Import Bank to arrange suitable accommodations, members of the public who plan to attend the meeting should notify Joyce Herron, Room 1220, 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 565–3503, not later than April 15, 1996. If any person wishes auxiliary aids (such as a sign language interpreter) or other special accommodations, please contact, prior to April 15, 1996, Joyce Herron, Room 1220, 811 Vermont Avenue NW., Washington, DC 20571, Voice: (202) 565–3955 or TDD: (202) 565–3377.

FOR FURTHER INFORMATION CONTACT:

For further information, contact Joyce Herron, Room 1220, 811 Vermont Avenue NW., Washington, D.C. 20571, (202) 565–3503.

Kenneth Hansen,

General Counsel.

[FR Doc. 96–8490 Filed 4–4–96; 8:45 am]

BILLING CODE 6690–01–M

FEDERAL HOUSING FINANCE BOARD

Sunshine Act Meeting

ANNOUNCING AN OPEN MEETING OF THE BOARD

TIME AND DATE: 10:00 a.m. Wednesday, April 10, 1996.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, N.W., Washington, D.C. 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

• Interim Final Rule on Federal Home Loan Bank System's Directors Fees

• Discussion of Federal Home Loan Bank System Legislation.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

Rita I. Fair,

Managing Director.

[FR Doc. 96–8675 Filed 4–3–96; 2:17 pm]

BILLING CODE 6725–01–P

FEDERAL MARITIME COMMISSION

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Norwegian Cruise Line Limited (d/b/a Norwegian Cruise Line), 95 Merrick Way, Coral Gables, Florida 33134

Vessels: DREAMWARD, LEEWARD, NORWAY, NORWEGIAN CROWN, SEAWARD and WINDWARD

Royal Seas Cruise Line, Inc., Odessa America Cruise Company, Firm Globus, Maddock Trading 5, Inc. and Black Sea Shipping Company, 170 Old Country Road, Suite 608, Mineola, New York 11501

Vessel: UKRAINA.

Dated: April 1, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–8375 Filed 4–4–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies That Are Engaged in Permissible Nonbanking Activities

The company listed in this notice has given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.25 of Regulation Y (12 CFR 225.25) or that the Board has determined by Order to be closely

related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

The notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act, including whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices'' (12 U.S.C. 1843). Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 19, 1996.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. The Royal Bank of Scotland Group plc, Edinburgh, Scotland; The Royal Bank of Scotland plc, Edinburgh, Scotland; and Citizens Financial Group, Inc., Providence, Rhode Island; to acquire First NH Mortgage Corporation, Hooksett, New Hampshire, and thereby engage in making, acquiring and servicing mortgage loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 1, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–8443 Filed 4–4–96; 8:45 am]

BILLING CODE 6210–01–F

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice have been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 25, 1996.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Leo A. Greenblatt, III, Chicago, Illinois; Andrew Alvin Jahelka, Hinsdale, Illinois; and Richard Owen Nichols, Oakbrook, Illinois; to collectively retain 24.65 percent of the voting shares of St. James Bancorporation, Inc., Lutcher, Louisana, and thereby indirectly acquire The St. James Bank & Trust Company, Lutcher, Louisiana.

Board of Governors of the Federal Reserve System, April 1, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–8444 Filed 4–4–96; 8:45 am]

BILLING CODE 6210–01–F

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 April 29, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Kanabec Credit Company, Mora, Minnesota; to acquire 5.5 percent of the voting shares of First Citizens Financial Corp., Mason City, Iowa, and thereby indirectly acquire First Citizens National Bank, Mason City, Iowa.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Community Bancshares of Marysville, Inc., Marysville, Kansas; to acquire 100 percent of the voting shares of Community State Bank, Hanover, Kansas.

Board of Governors of the Federal Reserve System, April 1, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96-8442 Filed 4-4-96; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (edt), April 15, 1996.

PLACE: 4th Floor, Conference Room, 1250 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the March 18, 1996, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.
3. Review of Arthur Andersen annual financial audit.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs (202) 942–1640.

Dated: April 2, 1996.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 96–8591 Filed 4–3–96; 10:18 am]

BILLING CODE 6760–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96E–0033]

Determination of Regulatory Review Period for Purposes of Patent Extension; OPTIMMUNE®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for OPTIMMUNE® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For animal drug products, the testing phase begins on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product OPTIMMUNE® (cyclosporine). OPTIMMUNE® is indicated for treatment of chronic keratoconjunctivitis sicca in dogs. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for OPTIMMUNE® (U.S. Patent No. 4,839,342) from Schering Corp. and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated February 8, 1996, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of OPTIMMUNE® represented the first commercial marketing of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the products's regulatory review period.

FDA has determined that the applicable regulatory review period for OPTIMMUNE® is 1,898 days. Of this time, 1,668 days occurred during the testing phase of the regulatory review period, while 230 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act became effective*: May 24, 1990. The applicant claims May 10, 1990, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the date of FDA's official acknowledgement letter assigning a number to the INAD was May 24, 1990, which is considered to be the effective date for the INAD.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the Federal Food, Drug, and Cosmetic Act*: December 16, 1994. The applicant claims December 14, 1994, as the date the new animal drug application (NADA) for OPTIMMUNE® (NADA 141–052) was initially submitted. However, FDA records indicate that the date of FDA's official acknowledgement letter assigning a number to the NADA was December 16, 1994, which is considered to be the NADA initially submitted date.

3. *The date the application was approved*: August 2, 1995. FDA has verified the applicant's claim that NADA 141–052 was approved on August 2, 1995.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 698 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 4, 1996, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 2, 1996, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 28, 1996.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 96–8474 Filed 4–4–96; 8:45 am]

BILLING CODE 4160–01–F

[Docket Nos. 95E–0418 and 95E–0419]

Determination of Regulatory Review Period for Purposes of Patent Extension; FLOLAN®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for FLOLAN® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product FLOLAN® (epoprostenol sodium). FLOLAN® is indicated for the long-term intravenous treatment of primary pulmonary hypertension in New York Heart Association Class III and Class IV patients. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for FLOLAN® (U.S. Patent Nos. 4,338,325 and 4,883,812) from Glaxo Wellcome Inc., and the Patent and Trademark Office requested FDA's assistance in determining these patents' eligibilities for patent term restoration. In letters dated February 8, 1996 (U.S. Patent No. 4,338,325), and February 22, 1996 (U.S. Patent No. 4,883,812), FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of FLOLAN® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for FLOLAN® is 5,927 days. Of this time, 5,357 days occurred during the testing phase of the regulatory review period, while 570 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.355(i)) became effective*: July 1, 1979. The applicant claims June 29, 1979, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 1, 1979, which was 30 days after FDA receipt of IND 16,459 on June 1, 1979

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act*: February 28, 1994. FDA has verified the applicant's claim that the new drug application (NDA) for FLOLAN® (NDA 20–444) was initially submitted on February 28, 1995.

3. *The date the application was approved*: September 20, 1995. FDA has verified the applicant's claim that NDA 20–444 was approved on September 20, 1995.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 730 days (U.S. Patent No. 4,338,325) and 1,346 days (U.S. Patent No. 4,883,812) of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before June 4, 1996, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before October 2, 1996, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 28, 1996.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 96–8363 Filed 4–4–96; 8:45 am]

BILLING CODE 4160–01–F

Small Business Participation; Public Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a small business exchange meeting to create a dialogue between the small business community, particularly businesses owned and operated by minorities and women, and FDA officials. The meeting will be chaired by Arthur J. Beebe, Jr., Regional Food and Drug Director, Northeast Region, and it

is intended to provide a better understanding of the agency's operations and policies and to assist these businesses in complying with the agency's regulations.

DATES: The meeting will be held on Thursday, April ll, l996, 9 a.m. to l2:30 p.m.

ADDRESSES: The meeting will be held at York College, Academic Core Bldg., Lecture Hall 4M05, 94–20 Guy R. Brewer Blvd., Jamaica, NY 11433. There is no registration fee for this meeting. Interested persons are encouraged to register early because space is limited. To register contact George R. Walden (address below).

FOR FURTHER INFORMATION CONTACT: George R. Walden, Small Business Representative, Food and Drug Administration, 850 Third Ave., Brooklyn, NY ll232, 7l8–965–5300 ext. 5528.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between the small business community, particularly businesses owned and operated by minorities and women, and FDA officials. This meeting will provide a forum to express concerns, discuss the effects of regulations, and convey knowledge about the agency's operations and policies.

Dated: March 30, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8476 Filed 4–4–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[OPL–009–N]

Medicare Program; April 22, 1996, Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for April 22, 1996, from 8:30 a.m. until 4:30 p.m. edt (Additional meetings are tentatively scheduled for July 8, September 23, and December 16, 1996.)

ADDRESSES: The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Samuel Shekar, M.D., Executive Director, Practicing Physicians Advisory Council, Room 425–H, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201, (202) 260–5463.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act, as added by section 4112 of the Omnibus Budget Reconciliation Act of 1990 (OBRA '90) (Pub. L. 101–508, enacted on November 5, 1990), to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publications of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Richard Bronfman, D.P.M.; Gary C. Dennis, M.D.; Catalina E. Garcia, M.D.; Kenneth D. Hansen, M.D.; Ardis Hoven, M.D.; Sandral Hullett, M.D.; Jerilynn S. Kaibel, D.C.; Marie G. Kuffner, M.D. (Renominated-pending selection); Marc Lowe, M.D.; Katherine L. Markette, M.D.; Maisie Tam, M.D.; Kenneth M. Viste, Jr., M.D.; and James C. Waites, M.D. (Renominated-pending selection). The chairperson is Kenneth M. Viste, Jr., M.D.

The next meeting of the Council will be held on April 22, 1996. The Council agenda will provide for discussion and comment on three items:

- The Medicare Coverage Regulation.
- The National Provider Identification Project.
- End of Life Care.

Council members will also receive a legislative and managed care update. In addition, four new members will be sworn in to serve on the Council. Those individuals or organizations who wish to make 5-minute oral presentations on the three issues listed should contact the Executive Director by 12:00 noon, April 5, 1996, to be scheduled. The number of oral presentations may be limited by the time available. A written copy of the oral remarks should be submitted to the Executive Director no later than 12:00 noon, April 11, 1996. For the name, address, and telephone number of the Executive Director, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. Anyone who is not scheduled to speak may also submit written comments to the Executive Director by 12:00 noon, April 11, 1996. The meeting is open to the public, but attendance is limited to the space available on a first-come basis.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 CFR Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance Program)

Dated: March 20, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 96–8552 Filed 4–3–96; 9:32 am]

BILLING CODE 4120–01–P

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services National Advisory Council Meeting in April

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA).

ACTION: Correction of Meeting Notice.

SUMMARY: Public notice was given in the Federal Register on March 7, 1996 (Vol. 61, No. 46, page 9189) that the Center for Mental Health Services National Advisory Council would be meeting in open session on April 11 and 12.

It has become necessary to add a presentation and detailed discussion of information about the Center's procurement plans. Therefore, a portion of the meeting will be closed to the public as determined by the

Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c) (3) and 5 U.S.C. App. 2, § 10(d).

Committee Name: Center for Mental Health Services National Advisory Council.

Open: April 11, 1996, 9:00 a.m.–5 p.m.; April 12, 1996, 9:00 a.m–adjournment .

Closed: April 11, 1996, 8:30 a.m.–9:00 a.m.

The dates and location of the open sessions of the meeting and the contact for additional information remain as announced.

Dated: March 29, 1996.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–8374 Filed 4–4–96; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–3778–N–79]

Office of the Assistant Secretary for Community Planning and Development; Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

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 24 CFR part 581 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 or 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, 24 CFR part 581.

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: Army: Mr. Derrick Mitchell, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–6083; Navy: Mr. John 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; Interior: Ms. Lola D. Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; Air Force: Ms. Barbara Jenkins, Air Force Real Estate Agency, Bolling Air Force Base, 112 Luke Avenue, Suite 104, Building 5683, Washington, DC 20332–8020; (202) 767–4184; Transportation: Mr. Ronald D. Keefer, Director of Administrative Services and Property Management, Department of Transportation, 400 7th Street, SW, Room 10319, Washington, DC 20590; (202) 366–4246; Energy: Ms. Marsha Penhaker, Department of Energy, Facilities Planning and Acquisition Branch, Room 6H–058, Washington, DC 20585; (202) 586–1191; (These are not toll-free numbers).

Dated: March 29, 1996.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM, FEDERAL REGISTER REPORT FOR 04/05/96

Suitable/Available Properties

Buildings (by State)

Florida

Facility No. 0001
Cocoa Beach Comm. Annex No. 2
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610010
Status: Unutilized
Comment: Telephone switchgear bldg., 474 sq. ft., possible asbestos.

Facility No. 00901
Cocoa Beach Comm. Annex No. 1
Cocoa Beach Co: Brevard FL 32931–
Landholding Agency: Air Force
Property Number: 189610011

Status: Unutilized
Comment: 1100 sq. ft., telephone switch bldg., possible asbestos.

Montana

Bldg. 100
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610001
Status: Unutilized
Comment: 6843 sq. ft., needs repair, on top of bluff, most recent use—offices.

Bldg. 112
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610002
Status: Unutilized
Comment: 586 sq. ft., most recent use—cold storage.

Nebraska

Bldg. 20
Offutt Communications Annex 4
Silver Creek Co: Nance NE 68663–
Landholding Agency: Air Force
Property Number: 189610004
Status: Unutilized
Comment: 4714 sq. ft., most recent use—dormitory.

North Carolina

Dwelling 1
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120083
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 2
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120084
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Dwelling 3
USCG Coinjock Housing
Coinjock Co: Currituck NC 27923–
Landholding Agency: DOT
Property Number: 879120085
Status: Unutilized
Comment: one story wood residence, periodic flooding in garage and utility room occurs in heavy rainfall.

Virginia

Housing
Rt. 637—Gwynnville Road
Gwynn Island Co: Mathews VA 23066–
Landholding Agency: DOT
Property Number: 879120082
Status: Unutilized
Comment: 929 sq. ft., one story residence.

Land (by State)

Montana

6.43 acres
Forsyth Training Site Co: Rosebud MT
Landholding Agency: Air Force
Property Number: 189610003
Status: Unutilized
Comment: 6.43 acres, most recent use—tech. oper. site for radar bombing range.

Suitable/Unavailable Properties

Buildings (by State)

Colorado

Ft. Morgan Service Bldg.
Ft. Morgan Co: Morgan CO 80701–
Landholding Agency: Energy
Property Number: 419520002
Status: Excess
Comment: 132 sq. ft., metal substation bldg. on concrete slab.

Maine

Mount Desert Rock Light
U.S. Coast Guard
Southwest Harbor Co: Hancock ME 04679–
Landholding Agency: DOT
Property Number: 879240023
Status: Unutilized
Comment: 1600 sq. ft., 2-story wood frame dwelling, needs rehab, limited utilities, limited access, property is subject to severe storms.

Little River Light
U.S. Coast Guard
Cutler Co: Washington ME
Landholding Agency: DOT
Property Number: 879240026
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, well is contaminated, limited utilities.

Burnt Island Light
U.S. Coast Guard
Southport Co: Lincoln ME 04576–
Landholding Agency: DOT
Property Number: 879240027
Status: Unutilized
Comment: 750 sq. ft., 2-story wood frame dwelling.

Massachusetts

Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240024
Status: Unutilized
Comment: 1000 sq. ft., 2-story brick dwelling, large wave action with severe ocean storms.

Assistant Keepers Dwelling
Cape Ann Light, Thachers Island
U.S. Coast Guard
Rockport Co: Essex MA 01966–
Landholding Agency: DOT
Property Number: 879240025
Status: Unutilized
Comment: 1100 sq. ft., 2-story wood frame dwelling, large wave action with severe ocean storms.

Texas

Brownsville Urban System (Grantee)
700 South Iowa Avenue
Brownsville Co: Cameron TX 78520–
Landholding Agency: DOT
Property Number: 879010003
Status: Unutilized
Comment: 3500 sq. ft., 1 story concrete block, (2nd floor of Admin. Bldg.) on 10750 sq. ft. land, contains underground diesel fuel tanks.

Land (by State)

California

Excess Land at Eureka Housing
Eureka Co: Humboldt CA 95501–
Landholding Agency: DOT
Property Number: 879540001
Status: Unutilized
Comment: .5 acres, encroachment by adjoining land owners, easement.

Georgia

Land—St. Simons Boathouse
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 879540003
Status: Unutilized
Comment: .08 acres, most recent use—pier and dockage for Coast Guard boats.

Suitable/To Be Excessed

Buildings (by State)

Massachusetts

Cuttyhunk Boathouse
South Shore of Cuttyhunk Pond
Gosnold Co: Dukes MA 02713–
Landholding Agency: DOT
Property Number: 879310001
Status: Unutilized
Comment: 2700 sq. ft., wood frame, one story, needs rehab, limited utilities, off-site use only.

Nauset Beach Light
Nauset Beach Co: Barnstable MA
Landholding Agency: DOT
Property Number: 879420001
Status: Unutilized
Comment: 48 foot tower, cylindrical cast iron, most recent use—aid to navigation.

Plymouth Light Co: Plymouth MA
Landholding Agency: DOT
Property Number: 879420003
Status: Unutilized
Comment: 250 sq. ft. tower, and 2096 sq. ft. dwelling, wood frame, most recent use—aid to navigation/housing.

Light Tower, Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430005
Status: Excess
Comment: 66 ft. tower, 14′9″ diameter, brick structure, scheduled to be vacated 9/94.

Keepers Dwelling
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430006
Status: Excess
Comment: 1160 sq. ft., 2-story wood frame, attached to light tower, scheduled to be vacated 9/94.

Duplex Housing Unit
Highland Light
Near Rt. 6, 9 miles south of Race Point
North Truro Co: Barnstable MA 02652–
Landholding Agency: DOT
Property Number: 879430007
Status: Excess
Comment: 2 living units, 930 sq. ft. each, 1-story each, located on eroding ocean bluff, scheduled to be vacated 9/94.

Nahant Towers

Nahant Co: Essex MA
Landholding Agency: DOT
Property Number: 879530001
Status: Unutilized
Comment: 196 sq. ft., 8-story observation tower.

Oregon

Yaquina Head Lighthouse
860 Lighthouse Drive
Newport Co: Lincoln OR 97365–
Landholding Agency: DOT
Property Number: 879430003
Status: Underutilized
Comment: 300 sq. ft. tower and needs repair, 4.52 acres lighthouse area, historic property.

Land (by State)

Michigan

U.S. Coast Guard—Air Station
Traverse City Co: Grand Traverse MI 49684–
Landholding Agency: DOT
Property Number: 879120099
Status: Underutilized
Comment: 21.7 acres, most recent use—helo landings.

Unsuitable Properties

Buildings (by State)

Alabama

Building 107
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610272
Status: Unutilized
Reason: Secured Area.

Building 3334
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610273
Status: Unutilized
Reason: Secured Area.

Building 7362
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610274
Status: Unutilized
Reason: Secured Area.

Building 7561
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610275
Status: Unutilized
Reason: Secured Area.

Building 7617
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610276
Status: Unutilized
Reason: Secured Area.

Building 7618
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610277
Status: Unutilized
Reason: Secured Area.

Building 7726
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610278
Status: Unutilized
Reason: Secured Area.

Building 7734
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610279
Status: Unutilized
Reason: Secured Area.

Building 7735
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–5000
Landholding Agency: Army
Property Number: 219610280
Status: Unutilized
Reason: Secured Area.

Building 283
Fort McClellan
Anniston Co: Calhoun AL 36205–5000
Landholding Agency: Army
Property Number: 219610281
Status: Unutilized
Reason: Extensive deterioration.

5 Buildings
Fort Rucker
Fort Rucker Co: Dale AL 36362–5000
Location: 519, 601, 704, 3901, 3906
Landholding Agency: Army
Property Number: 219610282
Status: Unutilized
Reason: Extensive deterioration.

5 Buildings
Fort Rucker
Fort Rucker Co: Dale AL 36362–5000
Location: 3302, 3401, 3718, 1445, 6042
Landholding Agency: Army
Property Number: 219610283
Status: Unutilized
Reason: Extensive deterioration.

6 Buildings
Fort Rucker
Fort Rucker Co: Dale AL 36362–5000
Location: 3817, 4001, 6036, 6037, 7103, 6018
Landholding Agency: Army
Property Number: 219610284
Status: Unutilized
Reason: Extensive deterioration.

12 Buildings
Fort Rucker
Fort Rucker Co: Dale AL 36362–5000
Location: 605–608, 5501–5504, 5506–5508, 5114
Landholding Agency: Army
Property Number: 219610285
Status: Unutilized
Reason: Extensive deterioration.

Dwelling A
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120001
Status: Excess
Reason: Floodway.

Dwelling B
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120002
Status: Excess
Reason: Floodway.

Oil House
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120003
Status: Excess
Reason: Floodway.

Garage
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120004
Status: Excess
Reason: Floodway.

Shop Building
USCG Mobile Pt. Station
Ft. Morgan
Gulfshores Co: Baldwin AL 36542–
Landholding Agency: DOT
Property Number: 879120005
Status: Excess
Reason: Floodway.

Alaska

Building 2115
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610265
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 2117
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 88703–
Landholding Agency: Army
Property Number: 219610266
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 2119
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610267
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 2121
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610268
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 2123
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610269
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 2125
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610270
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Within airport runway clear zone; Secured Area.

Building 3569
Fort Wainwright
Fort Wainwright Co: Fairbanks/No. S AK 99703–
Landholding Agency: Army
Property Number: 219610271
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 28
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210126
Status: Excess
Reason: Within airport runway clear zone; Secured Area.

Bldg. 24
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210127
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Within 2000 ft. of flammable or explosive material.

Bldg. 19
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210128
Status: Excess
Reason: Within airport runway clear zone; Secured Area; Other
Comment: Extensive deterioration.

Bldg. 94
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210129
Status: Excess
Reason: Secured Area; Other
Comment: Extensive deterioration.

Bldg. 18
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210132
Status: Excess
Reason: Secured Area; Within airport runway clear zone
GSA Number: U–ALAS–655A.

Bldg. A512
USCG Support Center
Kodiak Co: Kodiak Island AK 99619–5000
Landholding Agency: DOT
Property Number: 879210133
Status: Excess
Reason: Secured Area; Within airport runway clear zone; Within 2000 ft. of flammable or explosive material.

Bldg. R1, Holiday Beach
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310014
Status: Unutilized
Reason: Secured Area.

Bldg. S–3
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310015
Status: Unutilized
Reason: Secured Area.

Bldg. S–16
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310016
Status: Unutilized
Reason: Secured Area.

Bldg. 82
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310017
Status: Unutilized
Reason: Secured Area.

Bldg. 86
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310018
Status: Unutilized
Reason: Secured Area.

Bldg. 98
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310019
Status: Unutilized
Reason: Secured Area.

Bldg. 524A
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310020
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 624
U.S. Coast Guard Support Center
Kodiak Co: Kodiak Island AK 99619–5014
Landholding Agency: DOT
Property Number: 879310021
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Housing Ketchikan (Naushon UPH)
3615 Baranof Avenue
Ketchikan Co: Ketchikan AK 99801–
Landholding Agency: DOT
Property Number: 879320005
Status: Unutilized
Reason: Extensive deterioration.

Old Petersburg Moorings
Cannery Wharf
Petersburg AK 99833–
Landholding Agency: DOT
Property Number: 879320002
Status: Unutilized
Reason: Extensive deterioration.

Arizona

Bldgs. 14470, 15405, 30022
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219610286
Status: Unutilized
Reason: Extensive deterioration.

California

Building 194
Fort Hunter Liggett
Jolon Co: Monterey CA 98433–
Landholding Agency: Army
Property Number: 219610287
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

20 Buildings
National Training Center
Fort Irwin Co: San Bernardino CA 92311–5097
Location: 426, 428, 435–437, 439, 441, 462, 464, 466, 510, 527, 529, 537, 539, 544–545, 547, 549, 608
Landholding Agency: Army
Property Number: 219610288
Status: Unutilized.
Reason: Secured Area.

Building S–45
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610289
Status: Unutilized
Reason: Secured Area.

Building 96
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610290
Status: Unutilized
Reason: Secured Area.

Building S–106
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610291
Status: Unutilized
Reason: Secured Area.

Building S–132
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610292
Status: Unutilized
Reason: Secured Area.

Building S–530
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610293
Status: Unutilized
Reason: Secured Area.

Building S–661
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610294
Status: Unutilized

Reason: Secured Area.

Building S–681
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610295
Status: Unutilized
Reason: Secured Area.

Building S–684
DDRW Sharpe Facility
Lathrop Co: San Joaquin CA 95331–
Landholding Agency: Army
Property Number: 219610296
Status: Unutilized
Reason: Secured Area.

10 Bldgs.
USCG Station Humboldt Bay
Samoa Co: Humboldt CA 95564–9999
Landholding Agency: DOT
Property Number: 879440027
Status: Excess
Reason: Extensive deterioration
Comment: Land to be relinquished to BLM (Public Domain Land).

Colorado

Building 641
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610297
Status: Unutilized
Reason: Extensive deterioration.

Building 845
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610298
Status: Unutilized
Reason: Extensive deterioration.

Buildings 1403, 1404
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610299
Status: Unutilized
Reason: Extensive deterioration.

Building 1440
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610300
Status: Unutilized
Reason: Extensive deterioration.

Buildings 1543–1547
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610301
Status: Unutilized
Reason: Extensive deterioration.

Building 2241
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610302
Status: Unutilized
Reason: Extensive deterioration.

Building 2245
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610303
Status: Unutilized
Reason: Extensive deterioration.

Building 2344
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610304
Status: Unutilized
Reason: Extensive deterioration.

Building 2442
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610305
Status: Unutilized
Reason: Extensive deterioration.

Buildings 2734, 2735
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610306
Status: Unutilized
Reason: Extensive deterioration.

Building 2847
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610307
Status: Unutilized
Reason: Extensive deterioration.

Building 3450
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610308
Status: Unutilized
Reason: Extensive deterioration.

Buildings 3562–3564
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610309
Status: Unutilized
Reason: Extensive deterioration.

Buildings 3571–3572
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610310
Status: Unutilized
Reason: Extensive deterioration.

Building 6048
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610311
Status: Unutilized
Reason: Extensive deterioration.

Building 6050
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610312
Status: Unutilized
Reason: Extensive deterioration.

Building 6052
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610313
Status: Unutilized
Reason: Extensive deterioration.

Building 6095
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610314
Status: Unutilized
Reason: Extensive deterioration.

Building 6113
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610315
Status: Unutilized
Reason: Extensive deterioration.

Building 6120
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610316
Status: Unutilized
Reason: Extensive deterioration.

Building 6140
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610317
Status: Unutilized
Reason: Extensive deterioration.

Building 6251
Fort Carson
Fort Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610318
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 34
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540001
Status: Underutilized
Reason: Other; Secured Area
Comment: Contamination.

Bldg. 35
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540002
Status: Underutilized
Reason: Other; Secured Area
Comment: Contamination.

Bldg. 36
Grand Junction Projects Office
Grand Junction Co: Mesa CO 81503–
Landholding Agency: Energy
Property Number: 419540003
Status: Underutilized
Reason: Other; Secured Area
Comment: Contamination.

Alemeda Facility
350 S. Santa Fe Drive
Denver Co: Denver CO 80223–
Landholding Agency: DOT
Property Number: 879010014
Status: Unutilized
Reason: Other environmental
Comment: Contamination.

Connecticut

Bldgs. 25 and 26
Prospect Hill Road
Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419440003
Status: Excess
Reason: Secured Area.

9 Bldgs.
Knolls Atomic Power Lab, Windsor Site

Windsor Co: Hartford CT 06095–
Landholding Agency: Energy
Property Number: 419540004
Status: Excess
Reason: Secured Area.

Falkner Island Light
U.S. Coast Guard
Guilford Co: New Haven CT 06512–
Landholding Agency: DOT
Property Number: 879240031
Status: Unutilized
Reason: Floodway.

Florida

Bldg. #3, Recreation Cottage
USCG Station
Marathon Co: Monroe FL 33050–
Landholding Agency: DOT
Property Number: 879210008
Status: Unutilized
Reason: Secured Area; Floodway.

Bldg. 103, Trumbo Point
Key West Co: Monroe FL 33040–
Landholding Agency: DOT
Property Number: 879230001
Status: Unutilized
Reason: Floodway; Secured Area.

Exchange Building
St. Petersburg Co: Pinellas FL 33701–
Landholding Agency: DOT
Property Number: 879410004
Status: Unutilized
Reason: Floodway.

9988 Keepers Quarters A
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440009
Status: Underutilized
Reason: Secured Area; Floodway.

9989 Keepers Quarters B
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440010
Status: Underutilized
Reason: Secured Area; Floodway.

9990 Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440011
Status: Underutilized
Reason: Secured Area; Floodway.

9991 Plant Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440012
Status: Underutilized
Reason: Secured Area; Floodway.

9992 Shop Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440013
Status: Underutilized
Reason: Secured Area; Floodway.

9993 Admin. Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440014
Status: Underutilized
Reason: Secured Area; Floodway.

9994 Water Pump Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440015
Status: Underutilized
Reason: Secured Area; Floodway.

Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440016
Status: Underutilized
Reason: Secured Area; Floodway.

9999 Storage Bldg.
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440017
Status: Underutilized
Reason: Secured Area; Floodway.

3 Bldgs, and Land
Peanut Island Station
Riveria Beach Co: Palm Beach FL 33419–0909
Landholding Agency: DOT
Property Number: 879510009
Status: Unutilized
Reason: Secured Area; Floodway.

Georgia

Building 9584 A & B
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610319
Status: Unutilized
Reason: Extensive deterioration.

Building 10047
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610320
Status: Unutilized
Reason: Extensive deterioration.

Building 10318 A & B
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610321
Status: Unutilized
Reason: Extensive deterioration.

Building 10605 A–D
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610322
Status: Unutilized
Reason: Extensive deterioration.

Building 10817 A–D
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610323
Status: Unutilized
Reason: Extensive deterioration.

Building 10985
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219610324
Status: Unutilized
Reason: Extensive deterioration.

Building T–718
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219610325
Status: Unutilized
Reason: Extensive deterioration.

Building T–814
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219610326
Status: Unutilized
Reason: Extensive deterioration.

Building T–7919
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219610328
Status: Unutilized
Reason: Extensive deterioration.

Building S–15005
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219610329
Status: Unutilized
Reason: Extensive deterioration.

Building 2428
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610330
Status: Unutilized
Reason: Extensive deterioration.

Building 19802
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610331
Status: Unutilized
Reason: Extensive deterioration.

Building 29306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610332
Status: Unutilized
Reason: Extensive deterioration.

Building 33801
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610333
Status: Unutilized
Reason: Extensive deterioration.

Building 71201
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610334
Status: Unutilized
Reason: Extensive deterioration.

Building 91201
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610335
Status: Unutilized
Reason: Extensive deterioration.

Building 91203
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610336

Status: Unutilized
Reason: Extensive deterioration.

Building 91205
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610337
Status: Unutilized
Reason: Extensive deterioration.

Building 91206
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610338
Status: Unutilized
Reason: Extensive deterioration.

Building 91209
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610339
Status: Unutilized
Reason: Extensive deterioration.

Building 91211
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610340
Status: Unutilized
Reason: Extensive deterioration.

Building 91601
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610341
Status: Unutilized
Reason: Extensive deterioration.

Building 91602
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610342
Status: Unutilized
Reason: Extensive deterioration.

Building 91603
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610343
Status: Unutilized
Reason: Extensive deterioration.

Building 91604
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610344
Status: Unutilized
Reason: Extensive deterioration.

Building 91610
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610345
Status: Unutilized
Reason: Extensive deterioration.

Building A1202
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610346
Status: Unutilized
Reason: Extensive deterioration.

Coast Guard Station
St. Simons Island Co: Glynn GA 31522–0577
Landholding Agency: DOT
Property Number: 879540002
Status: Unutilized
Reason: Extensive deterioration.

Hawaii

Building T–1087A
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219610347
Status: Unutilized
Reason: Extensive deterioration.

Building T–1305
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219610348
Status: Unutilized
Reason: Extensive deterioration.

Facility T–1518
Fort Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219610349
Status: Unutilized
Reason: Extensive deterioration.

Facility T–1521
Fort Shafter
Honolulu HI 96858–
Landholding Agency: Army
Property Number: 219610350
Status: Unutilized
Reason: Floodway.

Illinois

Calumet Harbor Station
U.S. Coast Guard
Chicago Co: Cook IL
Landholding Agency: DOT
Property Number: 879310005
Status: Excess
Reason: Secured Area.

Indiana

Building 658
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610351
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 665
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610352
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 666
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610353
Status:
Reason: Secured Area; Extensive deterioration.

Building 680
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610354
Status:
Reason: Secured Area; Extensive deterioration.

Building 681
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610355
Status:
Reason: Secured Area; Extensive deterioration.

Building 682
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610356
Status:
Reason: Secured Area; Extensive deterioration.

Building 683
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610357
Status:
Reason: Secured Area; Extensive deterioration.

Building 684
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610358
Status:
Reason: Secured Area; Extensive deterioration.

Building 685
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610359
Status:
Reason: Secured Area; Extensive deterioration.

Building 694
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610360
Status:
Reason: Secured Area; Extensive deterioration.

Building 695
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610361
Status:
Reason: Secured Area; Extensive deterioration.

Building 696
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610362
Status:
Reason: Secured Area; Extensive deterioration.

Building 697
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610363
Status:
Reason: Extensive deterioration.

Building 6102
Camp Atterbury
Edinburgh IN 46124–

Landholding Agency: Army
Property Number: 219610364
Status:
Reason: Secured Area; Extensive deterioration.

Building 6120
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610365
Status:
Reason: Secured Area; Extensive deterioration.

Building 6121
Camp Atterbury
Edinburgh IN 46124–
Landholding Agency: Army
Property Number: 219610366
Status:
Reason: Secured Area; Extensive deterioration.

TC–100
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610367
Status: Unutilized
Reason: Secured Area.

Building TC–103
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610368
Status: Unutilized
Reason: Secured Area.

Building TC–104
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610369
Status: Unutilized
Reason: Secured Area.

Buildings TC–110, 111
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610370
Status: Unutilized
Reason: Secured Area.

Buildings 227–6, 227–8, 227–12
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610371
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building 227–10
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610372
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building 228–1
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610373
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building 228–1A
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610374
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building 228–06
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610375
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

20–229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610376
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(18) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610377
Status: Unutilized
Reason: Secured Area.

(12) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610378
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(7) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610379
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(28) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610380
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(14) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610381
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(10) 229–000 Series Shipping
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Series Shipping Houses
Landholding Agency: Army
Property Number: 219610382
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 229–147, 229–149, 229–151
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610383
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 229–161, 229–162
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610384
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 1501, 1502, 1524
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610385
Status: Unutilized
Reason: Secured Area.

10 Buildings
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: 1505–1507, 1513, 1523, 1528, 1529, 1533–1535
Landholding Agency: Army
Property Number: 219610386
Status:
Reason: Secured Area.

Buildings 1508, 1509
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610387
Status:
Reason: Secured Area.

Building 1511
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610388
Status: Unutilized
Reason: Secured Area.

5 Buildings
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: 1514, 1515, 1521, 1522, 1532
Landholding Agency: Army
Property Number: 219610389
Status: Unutilized
Reason: Secured Area.

Buildings 1525, 1531
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610390
Status: Unutilized
Reason: Secured Area.

Building 2521
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610391
Status:
Reason: Secured Area.

Building 2532
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–

Landholding Agency: Army
Property Number: 219610392
Status: Unutilized
Reason: Secured Area.

Building 2551
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610393
Status: Unutilized
Reason: Secured Area.

Building 2561
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610394
Status: Unutilized
Reason: Secured Area.

Building 2616
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610395
Status: Unutilized
Reason: Secured Area.

Buildings 2642, 2642–A
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610396
Status: Unutilized
Reason: Secured Area.

Building 2662
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610397
Status: Unutilized
Reason: 2000 ft. of flammable or explosive material; Secured Area.

Building 2737–2
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610398
Status: Unutilized
Reason: Secured Area.

Building 3016
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610399
Status: Unutilized
Reason: Secured Area.

Building 3021–A
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610400
Status: Unutilized
Reason: Secured Area.

Building 3021–B
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610401
Status: Unutilized
Reason: Secured Area.

Building 3021–C
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610402
Status: Unutilized
Reason: Secured Area.

Building 3316
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610403
Status: Unutilized
Reason: Secured Area.

Building 3816
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610404
Status: Unutilized
Reason: Secured Area.

Buildings 4801–4803
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610405
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

133—5000 Series
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Smokeless Powder Igloos
Landholding Agency: Army
Property Number: 219610406
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

(40)—5000 Series
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Location: Smokeless Powder Igloos
Landholding Agency: Army
Property Number: 219610407
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building 6302–H
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610408
Status: Unutilized
Reason: Secured Area.

Building 6609
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610409
Status: Unutilized
Reason: Secured Area.

Buildings 6655–6656
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610410
Status: Unutilized
Reason: Secured Area.

Buildings 7428–7429
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610411
Status: Unutilized
Reason: Secured Area.

Buildings 7432, 7434
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610412
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Buildings 7433, 7435
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219610413
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Iowa

Buildings 765
Iowa Army Ammunition Plant
Middletown IA 52638–
Landholding Agency: Army
Property Number: 219610414
Status: Unutilized
Reason: Secured Area.

Kansas

D–158, D–Line, 50 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610415
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

D–168, E–Line, 44 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number : 219610416
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

D–167, D–Line, 75 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610417
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–166, BEC Line 50 Facilities
Sunflower Army Ammunition Plant
Desoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610418
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–165, Solvent Area
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 22 facilities
Landholding Agency: Army
Property Number: 219610419
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–164, 60 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: Chg. Hse E. Shop Area
Landholding Agency: Army
Property Number: 219610420
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–163, Solvent Area,
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 13 Facilities
Landholding Agency: Army
Property Number: 219610421
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–162, NG 79 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610422
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–161, NG&G Line, 37 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610423
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–160, NG & Paste, 91 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610424
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–159, E-Line, 56 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610425
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

D–177, South Acid, 52 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610426
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–176, Magazines, 93 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610427
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–175, FAD, 178 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610428
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–174, N-Line, 135 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610429
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–173, F-Line, 175 Facilities
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219610430
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–172, PAD & G-Line,
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 58 Facilities
Landholding Agency: Army
Property Number: 219610431
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–171, Ballistics,
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 22 Facilities
Landholding Agency: Army
Property Number: 219610432
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–170, New Paste Area,
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 27 Facilities
Landholding Agency: Army
Property Number: 219610433
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–169, New Mech Roll
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 41 Facilities
Landholding Agency: Army
Property Number: 219610434
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–178, Burning Ground & EMI
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 18 Facilities
Landholding Agency: Army
Property Number: 219610435
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–179, Solvent Area
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 49 Facilities
Landholding Agency: Army
Property Number: 219610436
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

D–180, Chemical Lines
Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018–
Location: 9 Facilities
Landholding Agency: Army
Property Number: 219610437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area.

Building T–651
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610438
Status: Unutilized
Reason: Extensive deterioration.

Building T–653
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610439
Status: Unutilized
Reason: Extensive deterioration.

Building T–655
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610440
Status: Unutilized
Reason: Extensive deterioration.

Building S–657
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610441
Status: Unutilized
Reason: Extensive deterioration.

Building S–659
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610442
Status: Unutilized
Reason: Extensive deterioration.

Building S–660
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610443
Status: Unutilized
Reason: Extensive deterioration.

Building S–661
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610444
Status: Unutilized
Reason: Extensive deterioration.

Building S–662
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610445
Status: Unutilized
Reason: Extensive deterioration.

Building S–663
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610446

Status: Unutilized
Reason: Extensive deterioration.

Building S–665
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610447
Status: Unutilized
Reason: Extensive deterioration.

Building S–667
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610448
Status: Unutilized
Reason: Extensive deterioration.

Building S–669
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610449
Status: Unutilized
Reason: Extensive deterioration.

Building S–1202
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610450
Status: Unutilized
Reason: Extensive deterioration.

Building T–2050
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610451
Status: Unutilized
Reason: Extensive deterioration.

Building T–2051
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610452
Status: Unutilized
Reason: Extensive deterioration.

Building T–2052
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610453
Status: Unutilized
Reason: Extensive deterioration.

Building T–2053
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610454
Status: Unutilized
Reason: Extensive deterioration.

Building T–2054
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610455
Status: Unutilized
Reason: Extensive deterioration.

Building T–2055
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610456
Status: Unutilized
Reason: Extensive deterioration.

Building T–2056
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610457
Status: Unutilized
Reason: Extensive deterioration.

Building T–2057
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610458
Status: Unutilized
Reason: Extensive deterioration.

Building T–2058
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610459
Status: Unutilized
Reason: Extensive deterioration.

Building T–2059
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610460
Status: Unutilized
Reason: Extensive deterioration.

Building T–2062
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610461
Status: Unutilized
Reason: Extensive deterioration.

Building T–2063
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610462
Status: Unutilized
Reason: Extensive deterioration.

Building T–2065
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610463
Status: Unutilized
Reason: Extensive deterioration.

Building T–2068
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610464
Status: Unutilized
Reason: Extensive deterioration.

Building T–2069
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610465
Status: Unutilized
Reason: Extensive deterioration.

Building T–2070
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610466
Status: Unutilized
Reason: Extensive deterioration.

Building T–2079
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610467
Status: Unutilized
Reason: Extensive deterioration.

Building T–2071
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610468
Status: Unutilized
Reason: Extensive deterioration.

Building T–2072
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610613
Status: Unutilized
Reason: Extensive deterioration.

Building T–2073
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610614
Status: Unutilized
Reason: Extensive deterioration.

Building T–2074
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610615
Status: Unutilized
Reason: Extensive deterioration.

Building T–2075
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610616
Status: Unutilized
Reason: Extensive deterioration.

Building T–2076
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610617
Status: Unutilized
Reason: Extensive deterioration.

Building T–2077
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610618
Status: Unutilized
Reason: Extensive deterioration.

Building T–2078
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610619
Status: Unutilized
Reason: Extensive deterioration.

Buildings T–2250, T–2251
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610620
Status: Unutilized
Reason: Extensive deterioration.

Buildings T–2259 thru T–2264
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610621
Status: Unutilized
Reason: Extensive deterioration.

Building T–2271
Fort Riley
Fort Riley Co: Geary KS 66442–

Landholding Agency: Army
Property Number: 219610622
Status: Unutilized
Reason: Extensive deterioration.

Building T–2325
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610623
Status: Unutilized
Reason: Extensive deterioration.

Building T–2327
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610624
Status: Unutilized
Reason: Extensive deterioration.

Building T–2337
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610625
Status: Unutilized
Reason: Extensive deterioration.

Buildings P–7175, P–7176
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610626
Status: Unutilized
Reason: Extensive deterioration.

Building P–9195
Fort Riley
Fort Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610627
Status: Unutilized
Reason: Extensive deterioration.

Building T–9280
Fort Riley
Fort Filey Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610628
Status: Unutilized
Reason: Extensive deterioration.

Building T–9284
Fort Riley
Fort Filey Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610629
Status: Unutilized
Reason: Extensive deterioration.

Building T–9285
Fort Riley
Fort Filey Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610630
Status: Unutilized
Reason: Extensive deterioration.

Building T–9390
Fort Riley
Fort Filey Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219610631
Status: Unutilized
Reason: Extensive deterioration.

Kentucky

Building 02603
Fort Campbell
Fort Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610632
Status: Unutilized
Reason: Extensive deterioration.

Building 02617
Fort Campbell
Fort Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610633
Status: Unutilized
Reason: Extensive deterioration.

Buildings 2638, 2640
Fort Campbell
Fort Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610634
Status: Unutilized
Reason: Extensive deterioration.

Louisiana

Bldg. D1247
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. D1253
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610050
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. E1727
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. G0802
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610052
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. H0900
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610053
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldgs. C1300, C1346, D1200
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610054
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldgs. S1600, S1606
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610055
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. M2700
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610056
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration.

Bldg. L2453
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610057
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. G–0822
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610058
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. A–0152, A–0158
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610059
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1636
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610060
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1635
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610061
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. E–1730
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610062
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1237
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610063
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1344
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610064
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1309
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army

Property Number: 219610065
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1461
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610066
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1604
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610067
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–117
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610068
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. S–1620, S–1621
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610069
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–120
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610070
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–114
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610071
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1602
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610072
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. M–2701
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610073
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1310
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610074
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1605
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610075
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–118
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610076
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–144
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610077
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–129
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610078
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–116
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610079
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1421
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610080
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1402
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610081
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. H–901, H–924
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610082
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. C–1301, C–1303
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610083
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. X–5079, X–5087
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610084
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T–400
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610085
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1601
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610086
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. K–1101, K–1103
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610087
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. J–1002
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610088
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. G–801, G–803
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610089
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. E–1701, E–1703, E–1704
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610090
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1201, D–1203
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610091
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. S–1612, S–1618, S–1615
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610092
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. C–1360, C–1365
Louisiana Army Ammunition Plant

Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610093
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. K–1120
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610094
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1249, D–1250
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1603
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610096
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 0–1503
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610097
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. K–1100
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610098
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. J–1001
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. E–1702
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610100
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1202
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610101
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1302
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610102
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–100
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610103
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1613
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610104
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. K–1105, K–1111, K–1110
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610105
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1469
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610106
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–149
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610107
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1210, D–1212, D–1215
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610108
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. G–808, G–810
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610109
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. C–1329, C–1332, C–1348
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610110
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. J–1006, J–1008
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610111
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1221, D–1224
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610112
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. X–5058, X–5085, X–5090
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610113
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T–0403
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610114
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. J–1011
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610115
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Bldgs.
Louisiana Army Ammunition Plant
X–5013, X–5043, X–5083, X–5091
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610116
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. M–0620
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610117
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1262, D–1263, D–1264
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610118
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1370
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610119
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. L–2357, L–2358, L–2461
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610120
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Bldgs.
Louisiana Army Ammunition Plant
X–5069, X–5071, X–5077, X–5078, X–5084
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610121
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–134
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610122
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. T–420, T–418, T–405
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610123
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

7 Bldgs.
Louisiana Army Ammunition Plant
X5030, X5034–X5035, X5047, X5060, X5086, 5096
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610124
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1468
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610125
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1637
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610126
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. L–246
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610127
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Bldgs.
Louisiana Army Ammunition Plant
C–1351, C–1352, C–1355, C–1353
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610128
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. E–1736, E–1734, E–1733
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610129
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. Y–2621
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610130
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1256
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610131
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. X–5016
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610132
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. X–5026, X–5106
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610133
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1248, D–1251
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610134
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. E–1715
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610135
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. H–922
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610136
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1629
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610137
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. L–2459, L–2348, L–2347
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610138
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1239
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610139
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. E–1732
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610140
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. J–1014
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610141
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. C–1347, C–1349
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610142
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1362
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610143
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1259
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610144
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. M–2702, M–2706
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610145
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T–6113
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610146
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. X–6112
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610147
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1361
Louisiana Army Ammunition Plant

Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610148
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1257, D–1267
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610149
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. B–1466
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610150
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. A–154, A–155
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610151
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. Y–2626, Y–2627
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610152
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. S–1652, S–1653
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610153
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. Y–2613, Y–2614
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610154
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. A–115, A–153
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610155
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. Y–2637
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610156
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. M–2708, M–2709
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610157
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. S–1639, S–1646
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610158
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. L–2245, L–2454
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610159
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. H–919
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610160
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. E–1742, E–1743
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610161
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. D–1254, D–1255
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610162
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. G–818
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610163
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1356, C–1366, C–1367
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610164
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. A–157
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610165
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T–404
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610166
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. M–2703
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610167
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. G–804
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610168
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T–0416
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610169
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. S–1624
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610170
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. M–0218
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610171
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. M–0217
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610172
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. D–1258
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610173
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. C–1363
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610174
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1319
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610175
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1317
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610176
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building G–820
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610177
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1345
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610178
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1337
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610179
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1333
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610180
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1331
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610181
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1321
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610182
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1307
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610183
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1648
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610184
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1640
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610185
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1625
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610186
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1608
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610187
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2464
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610188
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2463
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610189
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2462
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610190
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1619
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610191
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1617
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610192
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1611
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610193
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1610
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610194
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1731
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610195
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1720
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610196
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1719
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610197
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1710
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610198
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1709
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610199
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1707
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610200
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1475
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610201
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1471
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610202
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1426
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610203
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building J–1018
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610205
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building M–219
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610205
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building Y–2609
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610206
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building H–923
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610207
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building H–921
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610208
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building H–905
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610209
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1726
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610210
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1724
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610211
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1115
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610212
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1114
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610213
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1112
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610214
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1220
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610215
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1117
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610216
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1106
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610217
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building G–805
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610218
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building J–1013
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610219
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building J–1007
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610220
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1335
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610221
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1334
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610222
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1325
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610223
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1313
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610224
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1228
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610225
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1233
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610226
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1227
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610227
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1217
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610228
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1226
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610229
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1207
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610230
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1222
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army

Property Number: 219610231
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1261
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610232
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1623
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610233
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1622
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610234
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building S–1616
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610235
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1716
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610236
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1242
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610237
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1223
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610238
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1330
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610239
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building C–1305
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610240
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

4 Buildings
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Location: S1631, S1632, S1633, S1634
Landholding Agency: Army
Property Number: 219610241
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building D–1238
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610242
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2365
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610243
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1403
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610244
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1435
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610245
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1470
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610246
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1450
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610247
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1400
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610248
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1452
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610249
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building X–5095
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610250
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building X–5053
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610251
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building N–1817
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610252
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building E–1712
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610253
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building B–1476
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610254
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building M–2100
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610255
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building M–0600
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610256
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building M–0200
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610257
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2346
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610258
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–2200
Louisiana Army Ammunition Plant

Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610259
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–0700
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610260
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–0500
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610261
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building L–0300
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610262
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Building K–1102
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219610263
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Maine

Supply Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240005
Status: Unutilized
Reason: Floodway.

Base Exchange, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240006
Status: Unutilized
Reason: Floodway.

Engineering Shop, Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240007
Status: Unutilized
Reason: Floodway.

Storage Bldg., Coast Guard
Southwest Harbor
Southwest Harbor Co: Hancock ME 04679–5000
Landholding Agency: DOT
Property Number: 879240008
Status: Unutilized
Reason: Floodway.

Squirrel Point Light
U.S. Coast Guard
Phippsburg Co: Sayadahoc ME 04530–
Landholding Agency: DOT
Property Number: 879240032
Status: Unutilized
Reason: Floodway.

Keepers Dwelling
Heron Neck Light, U.S. Coast Guard
Vinalhaven Co: Knox ME 04841–
Landholding Agency: DOT
Property Number: 879240035
Status: Unutilized
Reason: Extensive deterioration

Fort Popham Light
Phippsburg Co: Sagadahoc ME 04562–
Landholding Agency: DOT
Property Number: 879320024
Status: Unutilized
Reason: Extensive deterioration.

Nash Island Light
U.S. Coast Guard
Addison Co: Washington ME 04606–
Landholding Agency: DOT
Property Number: 879420005
Status: Unutilized
Reason: Other
Comment: Inaccessible.

Bldg.—South Portland Base
U.S. Coast Guard
S. Portland Co: Cumberland ME 04106–
Landholding Agency: DOT
Property Number: 879420006
Status: Unutilized
Reason: Secured Area.

Garage—Boothbay Harbor Stat.
Boothbay Harbor Co: Lincoln ME 04538–
Landholding Agency: DOT
Property Number: 879430001
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. 980
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610476
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 981
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610477
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. E1260
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610478
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E3148
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610479
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3513
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610480
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E3613
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610481
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. E3619
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610482
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 3620
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610483
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E4281
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610484
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 4701
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610485
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E4730
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610486
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E4891
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610487
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E4892
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610488
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5010
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610489
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5011
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610490
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5253
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610491
Status: Unutilized
Reason: Extensive deterioration.

Bldg. E7212
Aberdeen Proving Ground Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219610492
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. 38–39, 41, 43–46, 56
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 879540005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area, Extensive deterioration

Bldg. 53
U.S. Coast Guard Yard
Baltimore MD 21226–
Landholding Agency: DOT
Property Number: 879540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area, Extensive deterioration

Massachusetts

Bldg. 4, USCG Support Center
Commercial Street
Boston Co: Suffolk MA 02203–
Landholding Agency: DOT
Property Number: 879540001
Status: Unutilized
Reason: Secured Area.

Eastern Point Light
5U.S. Coast Guard
Gloucester Co: Essex MA 01930–
Landholding Agency: DOT
Property Number: 879240029
Status: Unutilized
Reason: Floodway; Secured Area.

Storage Shed
Highland Light
N. Truro Co: Barnstable MA 02652–; DeSoto Johnson KS66018–
Landholding Agency: DOT
Property Number: 879430004
Status: Unutilized
Reason: Extensive deterioration.

Michigan

Bldg. 402, U.S. Air Station
Traverse City Co: Grand Traverse MI 49684–3586
Landholding Agency: DOT
Property Number: 879220001
Status: Unutilized
Reason: Extensive deterioration.

Mississippi

Natchez Moorings
82 L.E. Berry Road
Natchez Co: Adams MS 39121–
Landholding Agency: DOT
Property Number: 879340002
Status: Unutilized
Reason: Extensive deterioration.

Missouri

Bldg. 4
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610469
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 7
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610470
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 11
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610471
Status: Unutilized
Reason: Secured Area.

Bldg. 13
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610472
Status: Unutilized
Reason: Secured Area.

Bldg. 14
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610473
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 15
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610474
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 16
St. Louis Army Ammunition Plant
St. Louis MO 63120–1584
Landholding Agency: Army
Property Number: 219610475
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Nevada

Damtenders Quarters
Rye Patch Dam
Lovelock Co: Pershing NV
Landholding Agency: Interior
Property Number: 619610002
Status: Unutilized
Reason: Extensive deterioration.

New Jersey

Piers and Wharf
Station Sandy Hook
Highlands Co: Monmouth NJ 07732–5000
Landholding Agency: DOT
Property Number: 879240009
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Chapel Hill Front Range Light Tower
Middletown Co: Monmouth NJ 07748–
Landholding Agency: DOT
Property Number: 879440002
Status: Unutilized
Reason: Other
Comment: Skeletal tower.

Bldg. 103
U.S. Coast Guard Station Sandy Hook
Middletown Co: Monmouth NJ 07737–
Landholding Agency: DOT
Property Number: 879610002
Status: Unutilized
Reason: Secured Area.

New Mexico

Bldg. 229
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219610493
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 9252, 9268
Kirtland Air Force Base
Albuquerque Co: Bernalillo NM 87185–
Landholding Agency: Energy
Property Number: 419430002
Status: Unutilized
Reason: Extensive deterioration.

McGee Warehouse
Los Alamos National Lab
Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610043
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 73, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 75, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610045
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 76, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 77, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610047
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 78, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–

Landholding Agency: Energy
Property Number: 419610048
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 79, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610049
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 80, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610050
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 99, TA–16
Los Alamos National Lab
Los Alamos Co: Los Alamos NM 87545–
Landholding Agency: Energy
Property Number: 419610051
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

New York

Bldg. 1332, West Point
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 219610494
Status: Unutilized
Reason: Extensive deterioration.

2 Buildings
Ant Saugerties
Saugerties Co: Ulster NY 12477–
Landholding Agency: DOT
Property Number: 879230005
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 605, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240010
Status: Excess
Reason: Secured Area.

Bldg. 606, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240011
Status: Excess
Reason: Secured Area.

Bldg. 607, USCG Station
Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240012
Status: Excess
Reason: Secured Area.

Bldg. 606, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240020
Status: Unutilized
Reason: Secured Area.

Bldg. 607, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240021
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive deterioration.

Bldg. 605, Fort Totten
New York Co: Queens NY 11359–
Landholding Agency: DOT
Property Number: 879240022
Status: Unutilized
Reason: Secured Area; Other
Comment: Extensive deterioration.

Eatons Neck Station
U.S. Coast Guard
Huntington Co: Suffolk NY 11743–
Landholding Agency: DOT
Property Number: 879310003
Status: Unutilized
Reason: Extensive deterioration; Secured Area.

Bldg. 517, USCG Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879320025
Status: Unutilized
Reason: Secured Area.

Bldg. 138
U.S. Coast Guard Support Center
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879410003
Status: Unutilized
Reason: Secured Area.

Bldg. 830
U.S. Coast Guard
Governors Island Co: Manhattan NY 10004–
Landholding Agency: DOT
Property Number: 879420004
Status: Unutilized
Reason: Secured Area.

Rochester Harbor Light
Greece Township Co: Monroe NY
Landholding Agency: DOT
Property Number: 879430008
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 8
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530009
Status: Unutilized
Reason: Secured Area.

Bldg. 7
Rosebank—Coast Guard Housing
Staten Island Co: Richmond NY 10301–
Landholding Agency: DOT
Property Number: 879530010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Station Bldg.
USCG, AUXOP Station
Sodus Point Co: Wayne NY 14555–
Landholding Agency: DOT
Property Number: 879610001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

North Carolina

Bldg. 1–3759
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610495
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–1139
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610496
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–2134
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610496
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–2231
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610498
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 3–2433
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610499
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 5–1202
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610500
Status: Unutilized
Reason: Extensive deterioration.

21 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Location: 6–3135, 6–3322, 6–3337, 6–3423, 6–3439, 6–3504, 6–3540, 6–3603, 6–3640, 6–3710, 6–3724, 6–3810, 6–4004, 6–4026, 6–4103, 6–5521, 6–6823, 6–7116, 6–7138, 6–7239
Landholding Agency: Army
Property Number: 219610501
Status: Unutilized
Reason: Extensive deterioration.

6 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Location: 7–3721, 7–3722, 7–3738, 7–3818, 7–3820, 7–3838
Landholding Agency: Army
Property Number: 219610502
Status: Unutilized
Reason: Extensive deterioration.

21 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Location: 7–4220, 7–4033, 7–4117, 7–4118, 7–4131, 7–4212, 7–4238, 7–4250, 7–4251, 7–4312, 7–4417, 7–4420, 7–4441, 7–4517, 7–4518, 7–4541, 7–4650, 7–4712, 7–4755, 7–4848, 7–4947
Landholding Agency: Army
Property Number: 219610503
Status: Unutilized
Reason: Extensive deterioration.

24 Bldgs.
Fort Bragg
7–500 series
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610504
Status: Unutilized
Reason: Extensive deterioration.

14 Bldgs.
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Location: 7–6045, 7–6123, 7–6137, 7–6153, 7–6235, 7–6240, 7–6253, 7–6341, 7–6537, 7–6538, 7–6851, 7–6947, 7–6948, 7–6941
Landholding Agency: Army
Property Number: 219610505
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–2179
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610506
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–2275
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610507
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 8–2372
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610508
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. A–2558 thru A–2561
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610509
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. A–2557, A–2562
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610510
Status: Unutilized
Reason: Extensive deterioration.

4 Bldgs.
Fort Bragg
A–2756, A–2757, A–2758, A–2761
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610511
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–2759
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610512
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–2852
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610514
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–3739
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610514
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A–3761
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610515
Status: Unutilized
Reason: Extensive deterioration.

Bldg. C–5735
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610516
Status: Unutilized
Reason: Extensive deterioration.

Bldg. F–1912
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610517
Status: Unutilized
Reason: Extensive deterioration.

Bldg. F–2112
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610518
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M–2134
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610519
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M2637
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610520
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M–6121
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610521
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M–6123
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610522
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M–7238
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610523
Status: Unutilized
Reason: Extensive deterioration.

Bldg. M–7951
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610524
Status: Unutilized
Reason: Extensive deterioration.

Bldg. N–4901
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610525
Status: Unutilized
Reason: Extensive deterioration.

Bldg. N–5001
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610526
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 0–9714
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610527
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 970, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SFC–104, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SFC–112, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SA–30, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. A–37, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1820, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779610027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Group Cape Hatteras
Boiler Plant
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240018
Status: Unutilized
Reason: Secured Area.

Group Cape Hatteras
Bowling Alley
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879240019
Status: Unutilized
Reason: Secured Area.

Bldg. 21, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320010
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 22, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320011
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 25, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320012
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 27, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320013
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 32, Fuel Farm
U.S. Coast Guard Air Station
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320014
Status: Unutilized
Reason: Floodway; Secured Area.

Bldg. 67, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320016
Status: Unutilized
Reason: Secured Area.

Bldg. 69, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320017
Status: Unutilized
Reason: Secured Area.

Bldg. 71, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320018
Status: Unutilized
Reason: Secured Area.

Bldg. 73, USCG Support Center
Elizabeth City Co: Pasquotank NC 27909–5006
Landholding Agency: DOT
Property Number: 879320019
Status: Unutilized
Reason: Secured Area.

Bldg. 54
Group Cape Hatteras
Buston Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340004
Status: Unutilized
Reason: Secured Area.

Bldg. 83
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340005
Status: Unutilized
Reason: Secured Area.

Water Tanks
Group Cape Hatteras
Buxton Co: Dare NC 27902–0604
Landholding Agency: DOT
Property Number: 879340006
Status: Unutilized
Reason: Secured Area.

USCG Gentian (WLB 290)
Fort Macon State Park
Atlantic Beach Co: Carteret NC 27601–
Landholding Agency: DOT
Property Number: 879420007
Status: Excess
Reason: Secured Area.

Unit #71
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530011
Status: Unutilized
Reason: Floodway.

Unit #72
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530012
Status: Unutilized
Reason: Floodway.

Unit #73
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530013
Status: Unutilized
Reason: Floodway.

Unit #74
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530014
Status: Unutilized
Reason: Floodway.

Unit #75
Buxton Annex, Cape Kendrick Circle
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530015
Status: Unutilized
Reason: Floodway.

Unit #63
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530016
Status: Unutilized
Reason: Floodway.

Unit #64
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530017
Status: Unutilized
Reason: Floodway.

Unit #76
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530018
Status: Unutilized
Reason: Floodway.

Unit #68
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530019
Status: Unutilized
Reason: Floodway.

Unit #69
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530020
Status: Unutilized
Reason: Floodway.

Unit #70
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530021
Status: Unutilized
Reason: Floodway.

Unit #77
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530022
Status: Unutilized
Reason: Floodway.

Unit #78
Buxton Annex, Anna May Court
Buxton Co: Dare NC 27920–
Landholding Agency: DOT
Property Number: 879530023
Status: Unutilized
Reason: Floodway.

Ohio

Bldg. 116
Defense Construction Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 219610528
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Fernald Env. Mgmt. Project
7400 Willey Road
Fernald Co: Hamilton OH 45030–
Landholding Agency: Energy
Property Number: 419540005
Status: Unutilized
Reason: Other
Comment: Contamination.

Mound—Guard Post
Mound Road
Miamisburg Co: Montgomery OH 45343–
Landholding Agency: Energy
Property Number: 419540006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Oklahoma

Bldg. P–2925, Fort Sill

Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610529
Status: Unutilized
Reason: Other
Comment: Detached latrine.

Pennsylvania

Bldg. T–685
Carlisle Barracks
Carlisle Co: Cumberland PA 17013–
Landholding Agency: Army
Property Number: 219610530
Status: Unutilized
Reason: Extensive deterioration.

Bldg. S–25–5
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610531
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–2285
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610532
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S–2377
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610533
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. S2689
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610534
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–680
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610535
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–681
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610536
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3201
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610537
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3202
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610538
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3203
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610539
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3204
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610540
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3205
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610541
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3404
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610542
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3406
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610543
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. T–3408
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201–
Landholding Agency: Army
Property Number: 219610544
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Puerto Rico

NAFA Warehouse
U.S. Coast Guard Air Station Borinquen
Aguadilla PR 00604–
Landholding Agency: DOT
Property Number: 879310011
Status: Unutilized
Reason: Secured Area.

Storage Equipment Bldg.
U.S. Coast Guard Air Station Borinquen
Aguadilla PR 00604–
Landholding Agency: DOT
Property Number: 879330001
Status: Unutilized
Reason: Secured Area.

Bldg. 115
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510001
Status: Unutilized
Reason: Secured Area.

Bldg. 117
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510002
Status: Unutilized
Reason: Secured Area.

Bldg. 118
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510003
Status: Unutilized
Reason: Secured Area.

Bldg. 119
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510004
Status: Unutilized
Reason: Secured Area.

Bldg. 120
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510005
Status: Unutilized
Reason: Secured Area.

Bldg. 122
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510006
Status: Unutilized
Reason: Secured Area.

Bldg. 128
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510007
Status: Unutilized
Reason: Secured Area.

Bldg. 129
U.S. Coast Guard Base
San Juan PR 00902–2029
Landholding Agency: DOT
Property Number: 879510008
Status: Unutilized
Reason: Secured Area.

Rhode Island

Station Point Judith Pier
Narranganset Co: Washington RI 02882–
Landholding Agency: DOT
Property Number: 879310002
Status: Unutilized
Reason: Extensive deterioration.

South Dakota

Bldg.—Huron Airport Hangar
Huron Regional Airport
Huron Co: Beadle SD 57350–
Landholding Agency: Energy
Property Number: 419510005
Status: Unutilized
Reason: Within airport runway clear zone.

Tennessee

Bldgs. 401–1, 401–2
Volunteer Army Ammunition Plant
Chattanooga Co: Hamilton TN
Landholding Agency: Army
Property Number: 219610545
Status: Unutilized
Reason: Secured Area.

Texas

Bldg. 56328, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610546
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1868, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610547
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–612
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610548
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–4019
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610549
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–5033
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610550
Status: Unutilized
Reason: Extensive deterioration.

Bldg. P–6270
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610551
Status: Unutilized
Reason: Secured Area.

11 Bldgs.
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Location: T–5002, T–5129 thru T–5133, T–5135, T–5141, T–5149 thru T–5151
Landholding Agency: Army
Property Number: 219610552
Status: Unutilized
Reason: Other.
Comment: Detached latrines.

13 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Location: 26–B–1, 53–B–1, 25–C–1, 26–E–1, 28–G–1, 33–G–1, 54–G–1, 62–G–1, 28–H–1, 75–I–1, 90–J–1, 41–W–1
Property Number: 219610553
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 43–E, 46–E, CB–2
Longhorn Army Ammunition Plant–
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

5 Bldgs.
Longhorn Army Ammunition Plant
25–G–2, 61–J–2, 8–T–2, 4–Y–2, 41–W–2
Karnack Co: Harrison TX 75671–
Property Number: 219610555
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 709–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610556
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707–F
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610557
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707–G
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610558
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707–J
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610559
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610560
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 8–T
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610561
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 707–B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610562
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 4–Y
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610563
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 26–G
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610564
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 61–J
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610565
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. LR–1
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610566
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 3–Y
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610567
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 722–F
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610568
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 211–2
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610569
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 35–G
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610570
Status: Unutilized
Reason: Within airport runway clear zone; Secured Area.

Bldg. 815
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610571
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. P–124
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610572
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 27–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610573
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 705
Longhorn Army Ammunition Plant

Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610574
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 720–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610575
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 101
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610576
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 704–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610577
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 22–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610578
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 21–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610579
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 13–T
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 736–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610581
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 722–E
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610582
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 601–A
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610583
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 451
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610584
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

19 Bldgs., Fort Hood
Ft. Hood Co: Coryell TX 76544–
Location: 56505, 56640, 56641, 56646, 56648, 56720, 56721, 56726, 56727, 56728, 56730, 56731, 56736, 56737, 56740, 56741, 56746, 56747, 56748
Landholding Agency: Army
Property Number: 219610585
Status: Unutilized
Reason: Other; Extensive deterioration
Comment: Detached latrines.

Bldg. 90–J
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75671–
Landholding Agency: Army
Property Number: 219610635
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Old Exchange Bldg.
U.S. Coast Guard
Galveston Co: Galveston TX 77553–3001
Landholding Agency: DOT
Property Number: 879310012
Status: Unutilized
Reason: Secured Area.

WPB Building
Station Port Isabel
Coast Guard Station
South Padre Island Co: Cameron TX 78597–6497
Landholding Agency: DOT
Property Number: 879530002
Status: Unutilized
Reason: Floodway.

Aton Shops Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530003
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

WPB Storage Shed
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530004
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Flammable Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530005
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Battery Storage Building
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530006
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Boat House
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530007
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Small Boat Pier
USCG Station Sabine
Sabine Co: Jefferson TX 77655–
Landholding Agency: DOT
Property Number: 879530008
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material.

Vermont

Depot Street
Downtown at the Waterfront
Burlington Co: Chittenden VT 05401–5226
Landholding Agency: DOT
Property Number: 879220003
Status: Excess
Reason: Floodway.

Virginia

Bldg. 627, Fort Eustis
Ft. Eustis VA 23604–
Landholding Agency: Army
Property Number: 219610586
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 822, Fort Eustis
Ft. Eustis VA 23604–
Landholding Agency: Army
Property Number: 219610587
Status: Unutilized
Reason: Extensive deterioration.

Bldg. TT0806, Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 219610588
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1200
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610589
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1300
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610590
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1305
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610591
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1307

U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610592
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1310
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610593
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–1706
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610594
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–9016
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610595
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–11110
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610596
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–12204
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610597
Status: Unutilized
Reason: Extensive deterioration.

Bldg. T–12301
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219610598
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 305
Fort Story
Fort Story Co: Princess Ann Va 23459–
Landholding Agency: Army
Property Number: 219610599
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 317
Fort Story
Fort Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610600
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 501
Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610601
Status: Unutilized
Reason: Extensive deterioration.

5 Bldgs.
Fort Story
503, 513, 523, 525, 564
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610602
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 537
Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610603
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 607
Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610604
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 840, 843, 853
Fort Story
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610605
Status: Unutilized
Reason: Extensive deterioration.

8 Bldgs.
Fort Story
1032, 1052, 1053, 1054, 1055, 1060, 1062–1063
Ft. Story Co: Princess Ann VA 23459–
Landholding Agency: Army
Property Number: 219610606
Status: Unutilized
Reason: Extensive deterioration.

Bldg. A9304–00
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219610607
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 9229–00
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219610608
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldgs. 1426, 1427, 1428
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 219610609
Status: Unutilized
Reason: Extensive deterioration.

Bldgs. 1430–1431
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 219610610
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 052 & Tennis Court
USCG Reserve Training Center
Yorktown Co: York VA 23690–
Landholding Agency: DOT
Property Number: 879230004
Status: Excess
Reason: Secured Area.

Damage Control Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361-510
Landholding Agency: DOT
Property Number: 879240013
Status: Unutilized
Reason: Secured Area.

Admin. Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240014
Status: Unutilized
Reason: Secured Area.

Storage Bldg.
Coast Guard, Group Eastern Shores
Chincoteague Co: Accomack VA 23361–510
Landholding Agency: DOT
Property Number: 879240015
Status: Unutilized
Reason: Secured Area.

Little Creek Station
Navamphib Base, West Annex, U.S. Coast Guard
Norfolk Co: Princess Anne VA 23520–
Landholding Agency: DOT
Property Number: 879310004
Status: Unutilized
Reason: Secured Area.

Washington

Bldg. 9790
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610001
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9779
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1033
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1410, 1415, 1416
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9578
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9577

Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610006
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9585
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610007
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9582
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610008
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9581
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610009
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9579
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 9615
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610011
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1212
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610012
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1211
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610013
Status:
Reason: Secured Area; Extensive deterioration.

Bldg. 1161
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610014
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 1031
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610015
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 4065
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610016
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1115
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610017
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1114
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610018
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building B1107
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610019
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building B1102
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610020
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building B–0150
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610021
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1264
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610022
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1260
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610023
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1164
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610024
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1160
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610025
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1184
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610026
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1165
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610027
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1057
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610028
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 1032
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610029
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building E1001
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610030
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. C–0801
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610031
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. A–0131, B–1120
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610032
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

20 Dining Facilities
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Location: A0401, A0531, B0403, B0427, B0434, B0503, B0510, B0527, B0534, B0610, B0634, B0710, C0233, C0408, C0421, C0501, C0521, 4132, C0508, B0603

Landholding Agency: Army
Property Number: 219610033
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

10 Buildings
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Location: B0411, B0422, C0420, B0511, B0522, C0520, A0630, B0611, B0711, B0722
Landholding Agency: Army
Property Number: 219610034
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. B1129
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610035
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

38 Barracks Buildings
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Location: A0403, A0411, A0419, A0443, B0434, A0444, B0404, B0428, B0431, B0433, C0402, C0403, C0407, C0422, C0423, C0427, B0507, B0509, A0510, A0511, C0502, C0506, C0507, C0522, C0523, A0620, A0628, A0629, B0632, B0633, B0704, B0708, C0804, B0908, B0909, C1107, B0528, B0531
Landholding Agency: Army
Property Number: 219610036
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

B1117, C1323 Admin.
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610037
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

B1116, C1332 Admin.
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610038
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

A0117, A0129, B1118, C01322
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610039
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

22 Dayroom Buildings
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Location: 04129, A0126, B0412, B0413, B0420, B0421, B0513, B0512, C0410, C0418, C0419, C0510, B0520, B0521, B0613, B0620, B0621, B0712, B0713, B0720, B0721, C1327
Landholding Agency: Army
Property Number: 219610040
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

A1403, A1505
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610041
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldgs. A0117, A0129, B1118, C1322
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610042
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building 4301
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610043
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Buildings A0111, A0125
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610044
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

4 Buildings
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Location: B0622, C0618, C1326, 4133
Landholding Agency: Army
Property Number: 219610045
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Officer's Quarters B1111
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610046
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Building A0134
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610047
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Buildings B0116, C01332
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610048
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Structure PGP 45A
Fort Lewis
Fort Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219610264
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Wisconsin

Bldg. 1365
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219610611
Status: Unutilized
Reason: Extensive deterioration.

Bldg. 1734
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219610612
Status: Unutilized
Reason: Extensive deterioration.

Rawley Point Light
Two Rivers Co: Manitowoc WI
Landholding Agency: DOT
Property Number: 879540004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Land (by State)

Alaska

Russian Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440025
Status: Excess
Reason: Floodway.

Sargent Creek Aggregate Site
USCG Support Center Kodiak
Kodiak Co: Kodiak AK 99619–
Landholding Agency: DOT
Property Number: 879440026
Status: Excess
Reason: Floodway.

Florida

Land—approx. 220 acres
Cape San Blas
Port St. Joe Co: Gulf FL
Landholding Agency: DOT
Property Number: 879440018
Status: Underutilized
Reason: Secured Area; Floodway.

Michigan

Middle Marker Facility
Yipsilanti Co: Washtenaw MI 48198–
Location: 549 ft. north of intersection of Coolidge and Bradley Ave. on East side of street
Landholding Agency: DOT
Property Number: 879120006
Status: Unutilized
Reason: Within airport runway clear zone.

[FR Doc. 96–8208 Filed 4–4–96; 8:45 am]
BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of a Draft Environmental Impact Statement and Receipt of an Application for the Proposed Issuance of an Incidental Take Permit for Threatened and Endangered Species on Lands Managed by the Washington Department of Natural Resources (DNR) Within the Range of the Northern Spotted Owl

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Washington Department of Natural Resources (Applicant) has applied to the Fish and Wildlife Service and the National Marine Fisheries Service (together Services) for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended (Act). The Applicant has also requested an unlisted species agreement to cover species which may occur in the planning area and which may be listed in the future. The term of the permit has not been decided. The Applicant is seeking a permit term of up to 100 years, subject to final approval by its authorizing board. The Services will provide recommendations to the Applicant on all issues related to the application, including the permit term, upon completion of the Services' review of the application. The application has been assigned permit number PRT–812521. The Services also announce the availability of a Draft Environmental Impact Statement (DEIS) for the proposed issuance of the incidental take permit. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

DATES: Written comments on the permit application and DEIS should be received on or before May 20, 1996.

ADDRESSES: Comments regarding the application or DEIS, or requests for these documents, should be addressed to Curt Smitch, U.S. Fish and Wildlife Service, and Churck Turley, Washington Department of Natural Resources, 1111 Washington Street SE., P.O. Box 47011, Olympia, Washington 98504–7011. Please refer to permit No. PRT–812521 when submitting comments.

FOR FURTHER INFORMATION CONTACT: William Vogel or Craig Hansen, Fish and Wildlife Service, or Steve Landino, National Marine Fisheries Service, at the Pacific Northwest Habitat Conservation Plan Program, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501–2192; (360) 534–9330.

SUPPLEMENTARY INFORMATION: Under section 9 of the Act and its implementing regulations, "taking" of threatened and endangered species is prohibited. However, the Services, under limited circumstances, may issue permits to take threatened or endangered wildlife species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for threatened and endangered species are in 50 CFR 17.22 and 17.32.

The Applicant has addressed species conservation and ecosystem management on approximately 1.6 million acres of State-managed land within the range of the northern spotted owl (*Strix occidentalis caurina*) (owl) in Washington. The Applicant is requesting a permit for the incidental take of the owl, marbled murrelet (*Brachyramphus marmoratus*) (murrelet), Oregon silverspot butterfly (*Speyeria zerene hippolyta*), Aleutian Canada goose (*Branta canadensis leucopareia*), peregrine falcon (*Falco peregrinus*), bald eagle (*Haliaeetus leucocephalus*), gray wolf (*Canis lupus*), grizzly bear (*Ursus arctos*) and the Columbian white-tailed dear (*Odocoileus virginianus leucurus*) which may occur as a result of timber harvest and related activities within the 1.6 million-acre planning area.

The Habitat Conservation Plan (HCP) is designed to complement the President's Northwest Forest Plan, and includes various forms of mitigation which are integral parts of the HCP. The HCP covers nine planning units which occur in three basic geographic areas: (1) five planning units in the area west of the Cascade Crest; (2) three planning units in the area within the range of the owl east of the Cascade Crest; and (3) the Olympic Experimental State Forest (OESF) Planning Unit. Only listed species are addressed east of the Cascade Crest.

Three alternatives are presented for the HCP planning units excluding the OESF Planning Unit: (1) a No-Action alternative; (2) the proposed HCP; and (3) an HCP strategy with enhanced conservation. Three alternatives are presented separately for the Olympic Experimental State Forest: (1) a No-Action alternative; (2) a zoned conservation strategy which focuses on owl demographic support, and maintenance of several existing owl sites and likely landscape connections; and (3) an unzoned conservation strategy, similar to the proposed HCP for other planning units. The OESF is addressed separately from the other planning units because of its unique location on the Olympic Peninsula, value to fish and wildlife, and current condition of its forests. This planning unit has provisions for a greater emphasis on research as part of the mitigation measures for incidental take.

The DNR seeks to obtain an incidental take permit for owls, murrelets, Oregon silverspot butterflies, Aleutian Canadian Geese, peregrine falcons, bald eagles, gray wolves, grizzly bears, and Columbian white-tailed deer that may occur on State lands managed by DNR within the HCP area. Under the HCP, the owl conservation strategy for all planning units, excluding the OESF, was developed to minimize and mitigate for the incidental take by providing owl nesting, roosting and foraging (NRF) habitat, and dispersal habitat in areas that complement the Northwest Forest Plan. The amount and location of this habitat varies between planning units depending upon the amount of DNR-managed lands designated as NRF-management areas and the capability of the land to provide owl habitat. However, the objective is to provide NRF on 50 percent of DNR-managed lands within the NRF-management areas. Under the enhanced conservation alternative, the objective is to provide NRF on 60 percent of DNR-managed lands within such areas. Both action alternatives also include areas managed for owl dispersal habitat.

For owls on the OESF, the proposed HCP takes an "unzoned approach". The goals for each of 11 landscape-management units include 20 percent of the area as NRF habitat and another 20 percent which would also provide roosting and foraging opportunities for owls. The alternative "zoned approach" would use a combination of nest groves, core areas, range areas, and temporary special pair areas to emphasize strategically located areas.

The murrelet conservation strategy for the proposed HCP includes provisions to conduct a habitat-relationship study to determine the type and range of potential murrelet habitat that is likely to be occupied. After habitat-relationship studies are completed on a planning unit by planning unit basis, a small percentage of marginal murrelet habitat will be released for harvest without surveys. A long-range conservation strategy will be developed in consultation with the Fish and Wildlife Service after habitat-relationship studies are completed and surveys of remaining habitat are concluded. Under the enhanced

conservation strategy, all suitable murrelet habitat, including marginal habitat, would be retained until the completion of the long-range conservation strategy. These same alternatives apply to the OESF as well.

The riparian strategies for both action alternatives were developed to protect anadromous fish and riparian-obligate species by establishing riparian management zones, wetland protection areas, and provisions to address other issues including steep and unstable slopes, rain-on-snow event areas, and road system management. Under the HCP, riparian management zones will be established along all Type 1 through Type 4 Waters. Type 5 Waters will be protected in areas having a high risk of mass wasting. These buffers will contain a no-harvest portion as well as areas where management activity will be allowed. Additional wind buffers will be placed on Type 1 through Type 3 Waters on the windward side of the stream where there is a potential for windthrow. Under the enhanced conservation alternative, riparian management buffers will be applied to all Type 1 through Type 5 Waters, and wind buffers will be applied to both sides of Type 1 through Type 3 Waters.

For the OESF, the riparian strategy is the same for both action alternatives, which includes interior and exterior core buffers. The interior core buffers are designed to minimize mass-wasting potential, and protect riparian processes and function. The exterior core buffers are designed to protect the integrity of the interior core from damaging winds and will be applied to both sides of Type 1 through 4 Waters, as well as Type 5 Waters as appropriate.

The DNR also seeks to obtain an unlisted species agreement for species that may occur on DNR-managed lands on the west side of the Cascade Crest. Specifically, the proposed unlisted species agreement identifies a process by which species that use the habitat types in the West Side and OESF planning units could be added to the Incidental Take Permit if they are listed as threatened or endangered species in the future and no extraordinary circumstances exist. Each action alternative contains provisions to protect the habitat types that occur on DNR-managed lands. For example, in addition to the conservation provided by the owl, murrelet, and riparian strategies, additional provisions are included to protect special habitat types such as caves, talus fields, and large, structurally unique trees and snags.

Dated: March 26, 1996.

Thomas J. Dwyer,

Deputy Regional Director, Region 1, Fish and Wildlife Service.

[FR Doc. 96–8117 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Indian Affairs

Wyandotte Tribe of Oklahoma Liquor Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM8, and in accordance with the Act of August 15, 1953, 67 Stat. 586, 18 U.S.C. § 1161. I certify that Resolution No. 941011A, the Wyandotte Tribe of Oklahoma Liquor Control Ordinance was duly adopted by the Wyandotte Tribe of Oklahoma on October 11, 1994. The Ordinance provides for the regulation distribution, possession, sale and consumption of liquor on lands held in trust belonging to the Wyandotte Tribe of Oklahoma.

DATES: This Ordinance is effective as of April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Chief, Branch of Judicial Services, Division of Tribal Government Services, 1849 C Street, N.W., MS 2611–MIB, Washington, D.C. 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: The Wyandotte Tribe of Oklahoma Liquor Ordinance is to read as follows:

Liquor Control Ordinance of the Wyandotte Tribe of Oklahoma

Chapter I—Introduction

101. Title. This ordinance shall be known as the ‘‘Wyandotte Liquor Ordinance.’’

102. Authority. This ordinance is enacted pursuant to the Act of August 15, 1953, 67 stat. 586, codified at 18 U.S.C. § 1161, and by the authority of the Wyandotte Tribal Business Committee.

103. Purpose. The purpose of this ordinance is to regulate and control the possession and sale of liquor on the Wyandotte Trust Land. The enactment of a tribal ordinance governing liquor possession and sale on the Wyandotte Trust Land will increase the ability of the tribal government to control the sale, distribution and possession of liquor on Wyandotte trust lands and will provide an important source of revenue for the continued operation and strengthening of the tribal government and the delivery of tribal government services.

104. Effective date. This ordinance shall be effective on certification by the Secretary of the Interior and its publication in the Federal Register.

Article I. Declaration of Public Policy and Purpose

(a) The introduction, possession, and sale of liquor on the Wyandotte Trust Land is a matter of special concern to the Wyandotte Tribe of Oklahoma.

(b) Federal Law currently prohibits the introduction of liquor into Indian Country (18 U.S.C. § 1154), except as provided therein and expressly delegates to the tribes the decision regarding when and to what extent liquor transactions shall be permitted. (18 U.S.C. 1161).

(c) The Wyandotte Tribal Council finds that a complete ban on liquor within the Wyandotte Trust Land is ineffective and unrealistic. However, it recognizes that a need still exists for strict regulation and control over liquor transactions within the Wyandotte Trust Land, because of the many potential problems associated with the unregulated or inadequately regulated sale, possession, distribution, and consumption of liquor. The Wyandotte Tribal Council finds that exclusive tribal control and regulation of liquor is necessary to achieve maximum economic benefit to the Tribe, to protect the health and welfare of tribal members, and to address specific concerns relating to alcohol use on the Wyandotte Trust Land.

(d) It is in the best interests of the Tribe to enact a tribal ordinance governing liquor sales on the tribal lands and which provides for exclusive purchase, distribution, and sale of liquor only on tribal lands within the exterior boundaries of the Wyandotte Trust Land. Further, the Tribe has determined that said purchase, distribution, and sale shall take place only at tribally-owned enterprises and/or tribally licensed establishments operating on land leased from or otherwise owned by the Tribe.

Article II. Definitions

As used in the title, the following words shall have the following meanings unless the context clearly requires otherwise:

(a) ‘‘Alcohol’’ means that substance known as ethyl alcohol, hydrated oxide of ethyl, ethanol, or spirits of wine, from whatever source or by whatever process produced.

(b) ''Alcoholic Beverage'' is synonymous with the term ''liquor'' as defined in Article II(f) of this Chapter.

(c) ''Bar'' means any establishment with special space and accommodations for the sale of liquor by the glass and for consumption on the premises as herein defined.

(d) ''Beer'' means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water and containing the percent of alcohol by volume subject to regulation as an intoxicating beverage in the state where the beverage is located.

(e) ''Business Committee'' means the Wyandotte Tribal Business Committee.

(f) ''Liquor'' includes all fermented, spirituous, vinous, or malt liquor or combinations thereof, and mixed liquor, a part of which is fermented, and every liquid or solid or semisolid or other substance, patented or not, containing distilled or rectified spirits, potable alcohol, beer, wine, brandy, whiskey, rum, gin aromatic bitters, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption and any liquid, semisolid, solid, or other substances, which contains more than one half of one percent of alcohol.

(g) ''Liquor Store'' means any store at which liquor is sold and, for the purpose of this ordinance, including stores only a portion of which are devoted to sale of liquor or beer.

(h) ''Malt Liquor'' means beer, strong beer, ale, stout and porter.

(i) ''Package'' means any container or receptacle used for holding liquor.

(j) ''Public Place'' includes state or county or tribal or federal highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theaters, gaming facilities, entertainment centers, stores, garages, and filling stations which are open to and/or are generally used by the public and to which the public is permitted to have unrestricted access; public conveyances of all kinds and character; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public. For the purpose of this ordinance, ''Public Place'' shall also include any establishment other than a single family home which is designed for or may be used by more than just the owner of the establishment.

(k) ''Sale'' and ''Sell'' include exchange, barter and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatsoever commonly used to describe malt or brewed liquor or of wine by any person to any person.

(l) ''Spirits'' means any beverage, which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

(m) ''Wine'' means any alcoholic beverage obtained by fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding seventeen percent of alcohol by weight.

(n) ''Wyandotte Tribal Council'' means the general council of the Wyandotte Tribe of Oklahoma which is composed of the voting membership of the Tribe.

(o) ''Wyandotte Trust Land'' means those lands which are held in trust by the United States for the Wyandotte Tribe and not for any individual Indian.

Article III. Powers of Enforcement

Section 1. The Business Committee. In furtherance of this ordinance, the Business Committee shall have the following powers and duties:

(a) To publish and enforce rules and regulations adopted by the Business Committee governing the sale, manufacture, distribution, and possession of alcoholic beverages on the Wyandotte Trust Land;

(b) To employ managers, accountants, security personnel, inspectors and such other persons as shall be reasonably necessary to allow the Business Committee to perform its functions. Such employees shall be tribal employees;

(c) To issue licenses permitting the sale or manufacture or distribution of liquor on the Wyandotte Trust Land;

(d) To hold hearings on violations of this ordinance or for the issuance or revocation of licenses hereunder;

(e) To bring suit in the appropriate court to enforce this ordinance as necessary;

(f) To determine and seek damages for violation of the ordinance;

(g) To make such reports as may be required by the Wyandotte Tribal Council; and

(h) To collect taxes and fees levied or set by the Business Committee and to keep accurate records, books and accounts.

Section 2. Limitation on Powers. In the exercise of its powers and duties under this ordinance, the Business Committee and its individual members shall not:

(a) Accept any gratuity, compensation or other thing of value from any liquor wholesaler, retailer, or distributor or from any licensee;

(b) Waive the immunity of the Wyandotte Tribe from suit without the express consent of the Business Committee;

Section 3. Inspection Rights. The premises on which liquor is sold or distributed shall be open for inspection by the Business Committee at all reasonable times for the purposes of ascertaining whether the rules and regulations of the Business Committee and this ordinance are being complied with.

Article IV. Sales of Liquor

Section 1. License Required. Sales of liquor and alcoholic beverages within the exterior boundaries of Wyandotte Trust Land may only be made at businesses which hold a Wyandotte Liquor License.

Section 2. Sales for Cash. All liquor sales within the Wyandotte Trust Land boundaries shall be on a cash only basis and no credit shall be extended to any person, organization, or entity, except that the provision does not prevent the payment for purchases with the use of credit cards such as Visa, MasterCard, American Express, etc.

Section 3. Sale for Personal Consumption. All sales shall be for the personal use and consumption of the purchaser. Resale of any alcoholic beverage purchased within the exterior boundaries of the Wyandotte Trust Land is prohibited. Any person who is not licensed pursuant to this ordinance who purchases an alcoholic beverage within the boundaries of the Wyandotte Trust Land and sells it, whether in the original container or not, shall be guilty of a violation of this ordinance and shall be subjected to paying damages to the Wyandotte Tribe as set forth herein.

Article V. Licensing

Section 1. Procedure. In order to control the proliferation of establishments on the Wyandotte Trust Land which sell or serve liquor by the bottle or by the drink, all persons or entities which desire to sell liquor within the exterior boundaries of the Wyandotte Trust Land must apply to the Wyandotte Tribe for a license to sell or serve liquor.

Section 2. Application. Any person or entity applying for a license to sell or serve liquor on the Wyandotte Trust Land must fill in the application provided for this purpose by the Wyandotte Tribe and pay such application fee as may be set from time to time by the Business Committee for this purpose. Said application must be filled out completely in order to be considered.

Section 3. Issuance of License. The Business Committee may issue a license if it believes that such issuance is in the best interests of the Wyandotte Tribe and its members.

Section 4. Period of License. Each license may be issued for a period not to exceed two (2) years from the date of issuance.

Section 5. Renewal of License. A licensee may renew its license if the licensee has complied in full with this ordinance provided however, that the Business Committee may refuse to renew a license if it finds that doing so would not be in the best interests of the health and safety of the Wyandotte Tribe.

Section 6. Revocation of License. The Business Committee may revoke a license for reasonable cause upon notice and hearing at which the licensee is given an opportunity to respond to any charges against it and to demonstrate why the license should not be suspended or revoked.

Section 7. Transferability of Licenses. Licenses issued by the Business Committee shall not be transferable and may only be utilized by the person or entity in whose name it was issued.

Article VI. Taxes

Section 1. Sales Tax. There is hereby levied and shall be collected a tax on each retail sale of liquor or alcoholic beverage on the Wyandotte Trust Land in the amount of one percent (1%) of the retail sales price. All taxes from the sale of liquor and alcoholic beverages on the Wyandotte Trust Land shall be paid over to the General Treasury of the Wyandotte Tribe.

Section 2. Taxes Due. All taxes for the sale of liquor and alcoholic beverages on the Wyandotte Trust Land are due on the 15th day of the month following the end of the calendar quarter for which the taxes are due.

Section 3. Delinquent Taxes. Past due taxes shall accrue interest at 2% per month.

Section 4. Reports. Along with payment of the taxes imposed herein, the taxpayer shall submit a quarterly accounting of all income from the sale or distribution of liquor, as well as for the taxes collected.

Section 5. Audit. As a condition of obtaining a license, the licensee must agree to the review or audit of its book and records relating to the sale of liquor and alcoholic beverages on the Wyandotte Trust Land. Said review or audit may be done periodically by the Tribe through its agents or employees whenever, in the opinion of the Business Committee, such a review or audit is necessary to verify the accuracy of reports.

Article VII. Rules, Regulations and Enforcement

Section 1. In any proceeding under this ordinance, conviction of one unlawful sale or distribution of liquor shall establish prima facie intent of unlawfully keeping liquor for sale, selling liquor or distributing liquor in violation of this ordinance.

Section 2. Any person who shall sell or offer for sale or distribute or transport in any manner, liquor in violation of this ordinance, or who shall operate or shall have liquor for sale in his possession without a license, shall be guilty of a violation of this ordinance subjecting him or her to civil damages assessed by the Business Committee.

Section 3. Any person within the boundaries of the Wyandotte Trust Land who buys liquor from any person other than a properly licensed facility shall be guilty of a violation of this ordinance.

Section 4. Any person who keeps or possesses liquor upon his person or in any place or on premises conducted or maintained by his principal or agent with the intent to sell or distribute it contrary to the provisions of this title, shall be guilty of a violation of this ordinance.

Section 5. Any person who knowingly sells liquor to a person under the influence of liquor shall be guilty of a violation of this ordinance.

Section 6. Any person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who shall knowingly permit any person to drink liquor in any public conveyance shall be guilty of an offense. Any person who shall drink liquor in a public conveyance shall be guilty of a violation of this ordinance.

Section 7. No person under the age of 21 years shall consume, acquire or have in his possession any liquor or alcoholic beverage. No person shall permit any other person under the age of 21 to consume liquor on his premises or any premises under his control except in those situations set out in this section. Any person violating this section shall be guilty of a separate violation of this ordinance for each and every drink so consumed.

Section 8. Any person who shall sell or provide any liquor to any person under the age of 21 years shall be guilty of a violation of this ordinance for each such sale or drink provided.

Section 9. Any person who transfers in any manner an identification of age to a person under the age of 21 years for the purpose of permitting such person to obtain liquor shall be guilty of an offense; provided, that corroborative testimony of a witness other than the underage person shall be a requirement of finding a violation of this ordinance.

Section 10. Any person who attempts to purchase an alcoholic beverage through the use of false or altered identification which falsely purports to show the individual to be over the age of 21 years shall be guilty of violating this ordinance.

Section 11. Any person guilty of a violation of this ordinance shall be liable to pay the Wyandotte Tribe the amount of $500 per violation as civil damages to defray the Tribe's cost of enforcement of this ordinance.

Section 12. When requested by the provider of liquor, any person shall be required to present official documentation of the bearer's age, signature and photograph. Official documentation includes one of the following:

(1) Driver's license or identification card issued by any state department of motor vehicles;

(2) United States Active Duty Military;

(3) passport.

Section 13. Liquor which is possessed, including for sale, contrary to the terms of this ordinance are declared to be contraband. Any tribal agent, employee or officer who is authorized by the Business Committee to enforce this section shall seize all contraband and preserve it in accordance with the provisions established for the preservation of impounded property.

Section 14. Upon being found in violation of the ordinance, the party shall forfeit all right, title and interest in the items seized which shall become the property of the Wyandotte Tribe of Oklahoma.

Article VIII. Abatement

Section 1. Any room, house, building, vehicle, structure, or other place where liquor is sold, manufactured, bartered, exchanged, given away, furnished, or otherwise disposed of in violation of the provisions of this ordinance or of any other tribal law relating to the manufacture, importation,

transportation, possession, distribution, and sale of liquor, and all property kept in and used in maintaining such place, is hereby declared to be a nuisance.

Section 2. The Chairman of the Business Committee or, if the Chairman fails or refuses to do so, by a majority vote, the Business Committee shall institute and maintain an action in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this article. In addition to all other remedies at tribal law, the Court may also order the room, house, building, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient sum of not less that $25,000 payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, bartered, exchanged, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this ordinance or of any other applicable tribal law and that he will pay all fines, costs and damages assessed against him for any violation of this ordinance or other tribal liquor laws. If any conditions of the bond be violated, the bond may be recovered for the use of the Tribe.

Section 3. In all cases where any person has been found in violation of this ordinance relating to the manufacture, importation, transportation, possession, distribution, and sale of liquor, an action may be brought to abate as a nuisance any real estate or other property involved in the violation of the ordinance and violation of this ordinance shall be prima facie evidence that the room, house, building, vehicle, structure, or place against which such action is brought is a public nuisance.

Article IX. Revenue

Revenue provided for under this ordinance, from whatever source, shall be expended for administrative costs incurred in the enforcement of this ordinance. Excess funds shall be subject to appropriation by the Business Committee for essential governmental and social services.

Article X. Severability and Effective Date

Section 1. If any provision or application of this ordinance is determined by review to be invalid, such determination shall not be held to render ineffectual the remaining portions of this ordinance or to render such provisions inapplicable to other persons or circumstances.

Section 2. This ordinance shall be effective on such date as the Secretary of the Interior certifies this ordinance and publishes the same in the Federal Register.

Section 3. Any and all prior enactments of the Business Committee which are inconsistent with the provisions of this ordinance are hereby rescinded.

Article XI. Amendment

This ordinance may only be amended by a vote of the Business Committee.

Dated: March 27, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96–8344 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–02–P

Bureau of Land Management

[WY–040–06–1610–00]

Green River Resource Area, NY; Final Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: The Bureau of Land Management (BLM) Green River Resource Area, Rock Springs District, Wyoming, announces the availability of the Final Environmental Impact Statement (FEIS) for the Green River Resource Management Plan (RMP), for public review and comment.

SUMMARY: The FEIS for the Green River RMP describes and analyzes four alternative resource management plans, including the proposed RMP, for managing the BLM-administered public lands and federal mineral estate in the Green River Resource Area.

The Draft EIS (DEIS) for the Green River RMP was made available for public review and comment in November of 1992. Comments received on the DEIS were considered in preparing the proposed RMP and the FEIS. When completed, the Green River RMP will provide the management direction for future land and resource management actions on about 3.6 million acres of public land surface and 3.7 million acres of federal mineral estate in portions of Sweetwater, Fremont, Lincoln, Uinta and Sublette counties in southwest Wyoming.

The FEIS focuses on the Proposed Green River RMP and has been prepared in a summary format. The proposed RMP alternative has been presented in a detailed narrative and, along with the other alternatives considered in the DEIS, has also been presented in a summary table format to allow comparison among all the alternatives. It is not necessary, therefore, to have the DEIS to conduct a complete review of the FEIS.

The proposed Green River RMP is a comprehensive land use and resource management plan. It is a refinement of the preferred alternative presented in the RMP DEIS. Comments from the public, review by BLM staff, and new information developed since the distribution of the DEIS have prompted making some changes to the preferred alternative in the course of developing the proposed RMP. However, the environmental effects of the proposed RMP are not substantially different from those of the preferred alternative.

There are seven designated Areas of Critical Environmental Concern (ACEC) within the Green River Resource Area (Cedar Canyon ACEC, Greater Sand Dunes ACEC, Natural Corrals ACEC, Oregon Buttes ACEC, Red Creek ACEC, and White Mountain Petroglyphs ACEC). The proposed Green River RMP recommends that these existing ACEC designations be retained and that two of them be expanded in size. The potential for additional ACEC designations was explored in the EIS and the proposed RMP recommends designation of three new ACECs.

The results of conducting the coal planning/screening process, including application of the coal unsuitability criteria, for the potential Federal coal development area are documented in the FEIS. Approximately 12,600 acres of Federal coal lands were determined to be unsuitable for further consideration for Federal coal leasing, 10,410 acres were determined unacceptable for further consideration for coal leasing, and 30,490 acres were determined acceptable for further leasing consideration by subsurface mining methods only. The remainder of the potential Federal coal development area (about 422,000 acres) was determined to be acceptable for further coal leasing consideration, subject to continued field investigations, studies and evaluations to assure that coal mining can occur without having a significant long-term effect on other resources in the area.

All parts of the proposed RMP may be protested by parties who participated in the planning process and who have an interest which is or may be adversely affected by the adoption of the plan. A protest may only deal with those issues which were raised for the record during the planning process and may be filed by only the party or parties who raised those issues.

DATES: Protests on the proposed Green River RMP must be postmarked no later

than 30 days following the date the Environmental Protection Agency notice of availability of the FEIS is published in the Federal Register.

ADDRESSES: Protests on the proposed Green River RMP should be sent to the Director (480), Bureau of Land Management, 1849 C Street NW., MS–314 LS, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Bill LeBarron, Chief of Support Services or Renee Dana, Green River RMP Team Leader at the Rock Springs BLM District Office, 280 Highway 191 North, Rock Springs, Wyoming 82901, telephone 307–382–5350.

SUPPLEMENTARY INFORMATION: The Proposed Green River RMP FEIS documents the review of BLM-administered public lands along waterways for their eligibility and suitability for inclusion in the Wild and Scenic Rivers System (WSRS). Seven parcels of BLM-administered lands, making up a total of about 9.7 miles of the Sweetwater River, have been found to meet the suitability factors to be given further consideration for inclusion in the WSRS. Tentative classifications of the various parcels include wild, scenic, and recreational. The FEIS also addresses interim management of these parcels until the Congress decides to consider them further for possible inclusion in the WSRS.

The Proposed Green River RMP FEIS also documents the results of conducting the coal planning/screening process, including application of the Coal Unsuitability Criteria, in the planning area. In applying the 20 coal unsuitability criteria (43 CFR 3461) to the Federal coal lands with development potential in the planning area, about 12,600 acres were found to be unsuitable for further consideration for leasing under 5 of the criteria:

Criterion 1—Federal Land Systems
Criterion 2—Rights-of-Way and Easements
Criterion 3—Wilderness Study areas
Criterion 16—Floodplains
Criterion 17—Municipal Watersheds

All other phases of the coal screening/planning process, including identification of the Federal coal lands that would be unacceptable and acceptable for further leasing consideration under each alternative, are also documented in the FEIS.

Three new ACECs proposed for designation in the proposed Green River RMP would be given management priority and emphasis to maintain or enhance the following values:

—Candidate threatened and endangered plant species in four separate locations
—Visual and historical integrity of historic trails and their surrounding viewscape in the South Pass area
—Wildlife habitats and vegetation communities in the Steamboat Mountain area

The designations on the existing ACECs would be retained and would be given management priority and emphasis to maintain or enhance the following values:

—Important cultural, scenic and wildlife habitat values in the Cedar Canyon area
—Unique and unusual geological features associated with the sand dunes, Boars Tusk, diverse biological interrelationships supported by the sand dunes, especially the Steamboat desert elk herd, mule deer herd, and other dependent plants and animals, in the Greater Sand Dunes area
—Unique and important cultural, historical, recreational, and geological values in the Natural Corrals area
—Historic landmark, significant wildlife values, and the scenic integrity in the Oregon Buttes area
—Important cultural, historic, and prehistoric resource values in the Pine Springs area
—Fragile soils, Colorado River cutthroat trout, and water quality values in the Red Creek Watershed area
—Educational opportunities and important cultural, wildlife, scenic, and Native American values in the White Mountain Petroglyphs area

Additionally, two of the existing ACECs would be expanded in size. The Pine Springs ACEC would be expanded to include more historic resource values, and the Red Creek watershed would be expanded to include a larger watershed area and habitat for the Colorado River cutthroat trout, a candidate species for listing as a threatened or endangered species.

The management actions for each proposed, existing, and expanded ACEC include restrictions on surface disturbing activities and other land uses, such as limitations on oil and gas and coal exploration and development activities, geophysical exploration, right-of-way construction, and vehicular travel. Portions of the ACECs may be closed to future locatable mineral exploration and development, subject to valid existing rights. The level of these various kinds of restrictions and the types of land uses affected would be different in each ACEC. Copies of the proposed Green River RMP FEIS are available at the Green River Resource Area Office at the above address.

Dated: March 28, 1996.

Alan R. Pierson,

State Director.

[FR Doc. 96–8453 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–22–P

[OR–130–1020–00; GP6–0113]

Eastern Washington Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management, Spokane District.

NOTICE: Notice of Meeting of Interior Columbia Basin Ecosystem Management Project Subgroup of the Eastern Washington Resource Advisory Council.

ACTION: Meeting of Interior Columbia Basin Ecosystem Management Project Subgroup of the Eastern Washington Resource Advisory Council; Spokane, Washington; April 26, 1996.

SUMMARY: A meeting of the Interior Columbia Basin Ecosystem Management Project Subgroup of the Eastern Washington Resource Advisory Council will be held on April 26, 1996, at the Quality Inn Valley Suites Hotel, East 8923 Mission Avenue, Spokane, Washington, 99212. The meeting will convene at 1:30 p.m. and adjourn at 4:30 p.m. or upon completion of business. Public comments will be received from 3:00 p.m. to 3:30 p.m. The topic of the meeting is to review the status of the Interior Columbia Basin Ecosystem Management Project.

FOR FURTHER INFORMATION CONTACT: Richard Hubbard, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509–536–1200.

Dated: April 2, 1996.

Cathy L. Harris,

Acting District Manager.

[FR Doc. 96–8592 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–33–P

[WY–985–0777–72]

Resource Advisory Council Meeting, Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Wyoming Resource Advisory Council.

SUMMARY: This notice sets forth the schedule and agenda for a meeting of the Wyoming Resource Advisory Council (RAC).

DATES: May 9, 1996, from 8:30 a.m. until 5 p.m. and May 10, 1996, from 8:30 a.m. until 3 p.m.

ADDRESSES: UW Meeting Center, Room 150, 951 North Poplar, Casper, WY 82602.

FOR FURTHER INFORMATION CONTACT: Terri Trevino, RAC Coordinator, Wyoming Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, (307) 775–6020.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Status of Green River Basin Advisory Committee
2. Reports from RAC sub-groups
3. Committee Training
4. Public Comment

This meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the council's consideration. Anyone wishing to make an oral statement should notify the RAC Coordinator, at the above address by May 1, 1996.

Depending on the number of persons wishing to make oral statements, a time limit, per person, may be established by the Chair of the Resource Advisory Council.

Alan R. Pierson,

State Director.

[FR Doc. 96–8452 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–22–M

[WY–040–1430–1; W–122360]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification; Wyoming

AGENCY: Bureau of Land Management, DOI.

ACTION: Notice.

SUMMARY: The following public lands in Sublette County, Wyoming has been examined and found suitable for classification for conveyance to Sublette and Teton Counties, under the provisions of the Recreation and Public Purposes Act (as amended 43 USC 869 et. seq.). Sublette County and Teton County propose to use the land for a landfill.

Sixth Principal Meridian

T. 30 N., R. 111 W.,

Sec. 22, W½NE¼, NE¼SW¼, NW¼SE¼.

These lands contain 160 acres.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purpose Act and to all applicable regulations of the Secretary of the Interior.

2. A right-of-way for ditches and canals constructed by the authority of the United States.

3. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Pinedale Resource Area, P.O. Box 768, Pinedale, Wyoming, or by calling Grace Jensen, Realty Specialist, at (307) 367–4358.

Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purpose Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice in the Federal Register, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Area Manager, Bureau of Land Management, Pinedale Resource Area, P.O. Box 768, Pinedale, Wyoming 82941.

Classification Comments: Interested parties may submit comments involving the suitability of the land for a landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for a landfill.

Any adverse comments will be reviewed by the Rock Springs District Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the Federal Register.

Dated: March 14, 1996.

David E. Harper,

Realty Specialist.

[FR Doc. 96–8393 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–22–M

[CA–059–1220–00]

Special Area—Fee Adjustment

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Fee adjustment for use of Special Area within Butte County, California.

SUMMARY: The BLM is adjusting the daily fee from $1.50 per site, per day to $2.50 per site, per day for recreational mineral collection at the Forks of Butte Creek Special Recreation Management Area. This fee adjustment is required to reflect the current market value of the recreation opportunity being offered by BLM, and to reduce over-crowding within the Special Recreation Management Area.

DATES: This fee adjustment will take effect April 5, 1996.

FOR FURTHER INFORMATION CONTACT: Charles M. Schultz, Area Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, CA 96002.

SUPPLEMENTARY INFORMATION: The Forks of Butte Creek Special Recreation Management Area in Butte County, California, was placed under protective withdrawal (S 4528) by Public Land Order 5329 on January 18, 1973, to segregate the area from all forms of appropriation, including the mining laws. While the mineral rights to much of this area continue to be held under mining claims that pre-date this withdrawal, several segments (sites of Butte Creek are not encumbered with mining claims. These sites have become extremely popular for recreational mineral collection via panning, sluicing and dredging.

Since April 15, 1987, the BLM has required recreational panners, sluicers and dredgers to obtain, and operate under the terms of, a use permit for mineral collection within the Forks of Butte Creek Special Recreational Management Area. Use permits are required for all forms of intrusive mineral collection such as dredging, pumping, sluicing, and extensive panning. Extensive panning is defined as panning which uses a digging instrument with a blade larger than 4 inches wide and 8 inches long. No use permit is required for non-intrusive gold panning, using only a small spoon or trowel for digging.

The fee for intrusive use has been $1.50 per site, per day. By adjusting the fee to $2.50 per site, per day, the fee better reflects the market value of the opportunity being offered, and reduce over-crowding on the creek.

The authority for this fee adjustment is 43 CFR 8372. Any person who

engages in intrusive mineral collection within the Forks of Butte Creek Special Recreation Area in violation of permit terms or stipulations may be subject to a fine not to exceed $1,000 and/or imprisonment not exceed 12 months.

Charles M. Schultz,

Redding Area Manager.

[FR Doc. 96–8392 Filed 4–4–96; 8:45 am]

BILLING CODE 4310–40–M

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection Under Review; Innovative Community-Oriented Policing Grant Program (ICOP), Parts I and II.

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, Part 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 may also be submitted to Charlotte C. Black, Assistant General Counsel, Office of Community Oriented Policing Services, 1100 Vermont Avenue, N.W., Washington, D.C. 20530, or via facsimile at (202) 616–2914.

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: Innovative Community-Oriented Policing Grants Program (ICOP) Application, Parts I and II.

(1) Type of information collection. Voluntary application for federal funding to support innovative community policing.

(2) The title of the form/collection. Innovative Community-Oriented Policing Grants Program (ICOP) Application, Parts I (Reducing Crime and Disorder Through Problem Solving Partnerships) and II (Developing Community Policing).

(3) The agency form number, if any, and the applicable component of the Department sponsoring the collection. Form: COPS 16/01 and 16/02. Office of Community Oriented Policing Services, United States Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract. State, local, or tribal local governments.

The ICOP program is designed to support local law enforcement agencies in collaboration with non-profit community entities in developing and implementing innovative community policing strategies, either by targeting one specific crime problem to fight through a community partnership (ICOP Part I), or be developing community policing through training, changing organizational structure, or community policing centers (ICOP Part II).

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 4,210 respondents: 14 hours per response.

(6) An estimate of the total public burden (in hours) associated with the collection. 67,781 annual burden hours.

Public comment on this proposed information collection is strongly encouraged.

Dated: April 1, 1996.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 96–8417 Filed 4–4–96; 8:45 am]

BILLING CODE 4410–21–M

Drug Enforcement Administration

Ronald Phillips, D.O.; Revocation of Registration

On July 20, 1995, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ronald Phillips, D.O., (Respondent) of Brookhaven, Pennsylvania, notifying him of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AP171048, under 21 U.S.C. 824(a)(4), and deny any pending application under 21 U.S.C. 823(f), as being inconsistent with the public interest. Specifically, the Order to Show Cause alleged, among other things, that (1) during the course of a DEA investigation, ''DEA investigators identified approximately fifteen local pharmacies in which numerous prescriptions for controlled substances in Schedules II through V were retrieved which had been written by [the Respondent], in the names of family members, for the purpose of obtaining controlled substances for [his] personal use'' (2) in July of 1993, the Respondent voluntarily enrolled in the Pennsylvania Physicians' Health Program, a program which provides substance abuse treatment for physicians, but that in August of 1994, DEA investigators were informed that the Respondent had failed to comply with the terms of the treatment agreement; and (3) in May of 1995, the Respondent was indicted by a Grand Jury in the United States District Court for the Eastern District of Pennsylvania on one count of fraudulently obtaining controlled substances in Schedules II through IV for his personal use in violation of 21 U.S.C. 843(a)(3).

On August 21, 1995, the Respondent, through counsel, filed a request for a hearing. On August 28, 1995, Administrative Law Judge Mary Ellen Bittner issued an Order for Prehearing Statements, informing the parties of her appointment as the presiding officer in this case, and ordering the Respondent to file his prehearing statement on or before October 10, 1995, and the Government counsel to file her

prehearing statement on or before September 19, 1995. The Government counsel timely filed her statement, but the Respondent failed to file his statement. On October 23, 1995, Judge Bittner issued an order, finding that the Respondent's failure to file his prehearing statement by the ordered date indicated his intent to waive his right to a hearing, and ordering that all further proceedings before her be terminated and the matter presented to the Deputy Administrator for entry of a final order pursuant to 21 CFR 1301.54(e). Accordingly, the Deputy Administrator now enters his final order in this matter pursuant to 21 CFRR. 1301.54(e) and 1301.57, without a hearing and based on the investigative file and the letter submitted by the Respondent on August 21, 1995.

The Deputy Administrator finds that the Respondent is currently registered as a Practitioner, Schedules II through V, with DEA Certificate of Registration AP9171048, which is due to expire on March 31, 1996. On June 24, 1993, a DEA Diversion Investigator (Investigator), in response to contact made by an investigator for the Pennsylvania Bureau of Professional and Occupational Affairs, initiated an investigation of allegations that the Respondent had issued prescriptions for controlled substances in the name of family members, and that he ultimately had consumed the substances himself.

Specifically, the Investigator identified fifteen pharmacies located in Philadelphia and Delaware County, Pennsylvania, which had filled prescriptions written by the Respondent during the period from April of 1990 through May of 1993. The Respondent wrote 224 prescriptions for his father for, among other things, 5,675 dosage units of Percocet and 1,735 dosage units of Vicodin. Percocet contains oxycodone and acetaminophen, and is a Schedule II controlled substance, and Vicodin contains hydrocodone, and is a Schedule III controlled substance. Further, the Respondent also wrote, in the name of Thomas Capron, approximately 146 prescriptions for 3,870 dosage units of Percocet, 470 dosage units of Vicondin, and 20 dosage units of Vicodin ES. Pharmacists were interviewed who stated that the Respondent personally picked up the substances filled from these prescriptions. The Respondent also wrote approximately 17 prescriptions for his adult children, for approximately 243 dosage units of Vicondin, 40 dosage units of Vicondin ES, and 90 dosage units of Percocet.

In June of 1994, the Investigator interviewed the Respondent, who admitted that he had personally consumed Percocet and Vicodin taken from his father's filled prescriptions. He estimated that he had consumed approximately 30% to 40% of the controlled substances he had prescribed for his father. Further, the Respondent admitted to the Investigator that between 1981 and 1993, he had personally abused prescription drugs, including Percocet, Vicodin, Valium, Lortabs, Lorcet, and some non-controlled substances. he stated that he was taking between 50 and 60 pills per day, counting controlled and non-controlled substances, and that some of these substances were controlled substance samples from his office. The Respondent also admitted that he had consumed approximately 50% of the substances he had prescribed for Thomas Capron. The Respondent told the Investigator that he had written prescriptions for ''Frances Capron'', but he stated that he did not know anyone by that name. He also stated that he had written prescriptions in fictitious names. At the conclusion of the interviews with the Respondent, the Investigator offered him the opportunity to voluntarily surrender his DEA registration, but the Respondent declined the offer.

The Investigator then interviewed Thomas Capron, who denied ever receiving medication directly from the Respondent or ever sharing controlled substances with him. Mr. Capron also informed the Investigator that ''Frances Capron'' was his mother, the Respondent's ex-mother-in-law, and that she had died in 1989.

However, the record disclosed that the Respondent had issued prescriptions in her name in November of 1992.

In July of 1993, the Respondent signed a program agreement to participate in supervised drug abuse treatment provided by the Pennsylvania Physicians' Health Program (PHP). However, the Respondent's participation in this treatment program was sporadic, and according to the investigative record, he failed to complete the program.

In May of 1995, the Respondent was indicted by a Grand Jury in the United States District Court for the Eastern District of Pennsylvania on one count of obtaining controlled substances in Schedules II through IV by fraud, misrepresentation and deceit, for his own personal use, such personal use being outside the course of accepted medical practice and for no legitimate medical purpose, in violation of 21 U.S.C. 843(a)(3). On September 5, 1995, the Respondent pled guilty to one count of obtaining controlled substances by fraud, misrepresentation and deceit, in violation of 21 U.S.C. 843(a)(3).

Pursuant to 21 U.S.C. 823(f) and 824(a)(4), the Deputy Administrator may revoke the Respondent's DEA Certificate of Registration and deny and pending applications, if he determines that the continued registration would be inconsistent with the public interest. Section 823(f) requires that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health or safety.

These factors are to be considered in the disjunctive; the Deputy Administrator may rely on any one or a combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration should be revoked or an application for registration denied. See Henry J. Schwarz, Jr., M.D., Docket No. 88–42, 54 FR 16422 (1989).

In this case, factors two, three, four, and five are relevant in determining whether the Respondent's continued registration would be inconsistent with the public interest. As to factor two, the Respondent's ''experience in dispensing * * * controlled substances,'' the Respondent admitted that between 1981 and 1993, he had personally abused prescription drugs, to include Percocet and Vicodin. The record also disclosed that between April of 1990 and May of 1993, the Respondent had prescribed controlled substances in the name of family members and friends, had submitted the prescriptions himself to local pharmacists for filling, and personally had consumed a large portion of the substances. The Respondent, when interviewed by the Investigator, admitted to this practice.

As to factor three, the Respondent's ''conviction record under Federal or State laws relating to the * * * distribution, or dispensing of controlled sub stances,'' and factor four, the Respondent's ''[c]ompliance with applicable State, Federal, or local laws relating to controlled substances,'' the record contains evidence that in

September of 1995, the Respondent pled guilty to one count of obtaining controlled substances by fraud, misrepresentation and deceit in violation of 21 U.S.C. 843(a)(3).

As to factor five, ''[s]uch other conduct which may threaten the public health or safety,'' the Deputy Administrator finds significant that the Respondent asserted in his letter filed on August 21, 1995, that his past violations were ''addiction-induced and that he has been in recovery from his addiction for 2½ years.'' However, in August of 1994, the Investigator interviewed the Medical Director of the PHP (Director), who had stated that the Respondent had failed to complete the treatment program. Although the urine screens he had provided were all negative, the Respondent had missed numerous urine screen appointments, at times missing repeated appointments for a period of six weeks or more. The Director specifically noted the period from May 31, 1994, through July 19, 1994, during which the Respondent did not participate in any of the required urine screens. Such conduct by the Respondent places into question his commitment to rehabilitation and his suitability for continued registration with the DEA.

The Respondent did not present any evidence of remorse for his past misconduct, or evidence of rehabilitative actions taken to correct his past unlawful behavior. Further, he provided no assurances that he would not engage in such conduct in the future. Absent such evidence and such assurances in this case, the Deputy Administrator finds that continued registration of the Respondent is inconsistent with the public interest.

Accordingly, the Deputy Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824, and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AP9171048, issued to Ronald Phillips, D.O., be, and it hereby is, revoked, and any pending applications are hereby denied. This order is effective May 6, 1996.

Dated: April 1, 1996.

Stephen H. Greene,

Deputy Administrator.

[FR Doc. 96–8387 Filed 4–4–96; 8:45 am]

BILLING CODE 4410–09–M

Immigration and Naturalization Service

[INS No. 1750–95]

Immigration and Naturalization Service User Fee Advisory Committee: Meeting

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of meeting.

Committee holding meeting: Immigration and Naturalization Service User Fee Advisory Committee.

Date and time: May 2, 1996, at 1:00 p.m.

Place: The Embassy Suites Hotel, Crystal City, 1300 Jefferson Davis Highway, Arlington, Virginia, telephone Number: (703) 979–9799.

Status: Open. Thirteenth meeting of this Advisory Committee.

Purpose: Performance of advisory responsibilities to the Commissioner of the Immigration and Naturalization Service pursuant to section 286(k) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1356(k) and the Federal Advisory Committee Act 5 U.S.C. app. 2. The responsibilities of this standing Advisory Committee are to advise the Commissioner of the Immigration and Naturalization Service on issues related to the performance of airport and seaport immigration inspectional services. This advice should include, but need not be limited to, the time period during which such services should be performed, the proper number and deployment of inspection officers, the level of fees, and the appropriateness of any proposed fee. These responsibilities are related to the assessment of an immigration user fee pursuant to section 286(d) of the Immigration and Nationality Act, as amended, 8 U.S.C. 1356(d). The committee focuses attention on those areas of most concern and benefit to the travel industry, the traveling public, and the Federal Government.

Agenda

1. Introduction of the Committee members.
2. Discussion of administrative issues.
3. Discussion of activities since last meeting.
4. Discussion of specific concerns and questions of Committee members.
5. Discussion of future traffic trends.
6. Discussion of relevant written statements submitted in advance by members of the public.
7. Scheduling of next meeting.

Public participation: The meeting is open to the public, but advance notice of attendance is requested to ensure adequate seating. Persons planning to attend should notify the contact person at least two (2) days prior to the meeting. Members of the public may submit written statements at any time before or after the meeting to the contact person for consideration by this Advisory Committee. Only written statements received at least five (5) days prior to the meeting by the contact person will be considered for discussion at the meeting.

Contact person: Patrice Ward, Office of the Assistant Commissioner, Inspections, Immigration and Naturalization Service, room 7223, 425 I Street NW., Washington, DC 20536, telephone Number (202) 514–0964 or fax number (202) 514–8345.

Dated: March 28, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 96–8429 Filed 4–4–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Bureau of International Labor Affairs; U.S. National Administrative Office; National Advisory Committee for the North American Agreement on Labor Cooperation; Notice of Meeting

AGENCY: Office of the Secretary, Labor.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), the U.S. National Administrative Office (NAO) gives notice of the second meeting of the National Advisory Committee for the North American Agreement on Labor Cooperation (NAALC), which was established by the Secretary of Labor.

The Committee was established to provide advice to the U.S. Department of Labor on matters pertaining to the implementation and further elaboration of the labor side accord to the North American Free Trade Agreement (NAFTA). The Committee is authorized under Article 17 of the NAALC.

The Committee consists of a groups of 12 independent representatives drawn from among labor organizations, business and industry, and educational institutions.

DATES: The Committee will meet on April 29, 1996 from 9:00 a.m. to 5:00 p.m. and on April 30, 1996 from 9:00 a.m. until noon.

ADDRESSES: The Secretariat of the Commission for Labor Cooperation, One Dallas Centre, 350 N. St. Paul, Suite 2424, Dallas, Texas, 75201. The meeting is open to the public on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Irasema Garza, Designated Federal Officer, U.S. NAO, U.S. Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room C–4327, Washington, DC 20210. Telephone: 202–501–6653 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Please refer to the notices published in the Federal Register on December 15, 1994 (59 FR 64713) and August 11, 1995 (60 FR 41118) for supplementary information.

Signed at Washington, DC on April 1, 1995.

Irasema T. Garza,

Secretary, National Administrative Office.

[FR Doc. 96–8428 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–28–M

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the 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 David-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas as 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 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

Wisconsin
WI960020 (Mar. 15, 1996)

Volume V

New Mexico
NM960051 (Mar. 15, 1996)
Oklahoma
OK960014 (Mar. 15, 1996)

Volume VI

Alaska
AK960001 (Mar. 15, 1996)
AK960002 (Mar. 15, 1996)
AK960005 (Mar. 15, 1996)
AK960010 (Mar. 15, 1996)
Hawaii
HI960001 (Mar. 15, 1996)
Nevada
NV960001 (Mar. 15, 1996)
NV960003 (Mar. 15, 1996)
NV960005 (Mar. 15, 1996)
NV960007 (Mar. 15, 1996)
Washington
WA960001 (Mar. 15, 1996)
Wyoming
WY960009 (Mar. 15, 1996)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, 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 29th day of March 1996.

Philip J. Gloss,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 96–8136 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–27–M

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of the ''Manual for Developing Local Area Unemployment Statistics.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 4, 1996. BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, through BLS, is responsible for the development and publication of local area labor force statistics. This program includes the issuance of monthly estimates of the labor force, employment, unemployment, and the unemployment rate for each State and labor market area in the Nation.

II. Current Actions

The labor force estimates developed and issued in this program are used for economic analysis and as a tool in the implementation of Federal economic policy in such areas as employment and economic development under the Job Training and Partnership Act, the Public Works and Economic Development Act, among others.

The estimates are also used in economic analysis by public agencies and private industry, and for State and area allocations and eligibility determinations according to legal and administrative requirements. Implementation of policy and legislative prerogatives could not be accomplished as now written without collection of the data.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Manual for Developing Local Area Unemployment Statistics.

OMB Number: 1220–0017.

Affected Public: State government.

Form	Total respondents	Frequency	Total responses	Average time per response (hours)	Estimated total burden hours
LAUS 2	6,700	Monthly	80,400	1.62	130,248
LAUS 3	384	Monthly	4,608	.11	507
Totals			85,008		130,755

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, D.C., this 2nd day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–8486 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–24–M

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Hours at Work Survey.''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the

addresses section below on or before June 4, 1996. BLS is particularly interested in comments which help the agency to:

• Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

• Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

• Enhance the quality, utility, and clarity of the information to be collected; and

• 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 submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue N.E., Washington, D.C. 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

It has been long recognized by experts in the field of productivity measurement and analysis that the appropriate measure of labor input for productivity statistics is hours worked rather than hours paid. The importance of this distinction was further emphasized by recommendations of the Panel to Review Productivity Statistics of the National Research Council, National Academy of Sciences. In the mid-1970s, BLS established a task force to review existing programs and surveys and to determine the most efficient procedure for measuring hours worked. Based on the findings and recommendations of that task force, BLS developed the Hours at Work Survey data collection program that has provided a unique data series for assessing productivity since 1982.

The Hours at Work Survey (HWS) collects data for production and non-supervisory workers for each of the major industrial sectors of the nonagricultural economy (on a quarterly as well as on a yearly basis). Data are collected for the number of hours worked and hours paid in order to construct ratios of hours worked to hours paid, which are then used to convert hours paid data from the Current Employment Statistics (CES) program to hours at work in the development of productivity statistics. Hours at work exclude paid leave (holidays, vacations, sick and personal or administrative leave such as personal business, funeral leave, and jury duty) while hours paid do not. Productivity is better measured as the ratio of output to hours spent in production. The collection of information on hours at work must be done annually because of the cyclical sensitivity of productivity measures.

II. Current Actions

Ratios of hours at work to hours paid are needed to measure labor input for productivity statistics. The ratios of hours at work to hours paid provided by this survey are used to convert hours paid by employees, which are based on data from the CES Program, to hours at work. The resulting hours at work measures are then incorporated into the BLS labor and multifactor productivity statistics published annually and quarterly.

Based on results of a 1992 response analysis survey (RAS), we have identified some areas of concern that have led to changes in wording, content or format of instructions, and a new form layout of the HWS questionnaire. Preliminary tests and interviews with focus groups indicate that the new HWS form is both easier to understand and more likely to be correctly completed. However, any such changes should be thoroughly tested to ensure that they produce genuine improvements over the current situation. Therefore, we will phase in a new HWS questionnaire (BLS 2000P1 and BLS 2000N1) in the 1996 data collection year (January 1997) together with the old forms (BLS 2000P and BLS 2000N) as a split-sample test, with complete turnover to the new form for the 1997 survey (January 1998). The split will allow us to compare response rates with the old and new procedures as well as the content of the data. The controlled implementation is needed to ensure that any changes in the hours at work to hours paid ratios are real changes rather than artifacts of changes to the questionnaire or data collection procedures.

The redesigned HWS has several objectives:

(1) To improve and ensure the quality of the data in the survey by reducing survey errors from questionnaires, respondents, and interviewers.

(2) To increase the proportion of responses obtained by mail.

(3) To improve the Computer-Assisted Telephone Interviewing (CATI) follow-up data collection so that CATI data are more consistent with data obtained by mail.

Implicit in all of these goals is a further objective of reducing the survey's response burden. To that end we have:

(a) Redesigned the mail questionnaire to make it respondent-friendly, with instructions close to questions, an uncluttered appearance, questions that better fit respondent data sources, and questions that result in higher-quality data.

(b) Revised the CATI questionnaire and procedures to obtain data closer to the data we get by mail.

Moreover, BLS will add a RAS to the HWS as a quality-control measure in order to evaluate the quality of the data obtained from the survey, including the accuracy of the responses provided and the extent which respondents have the requested information readily available.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Hours at Work Survey.

OMB Number: 1220–0076.

Affected Public: Business and other for profit.

Form	Total respondents	Frequency	Total responses	Average time per response	Estimated total burden hours
BLS2000P	2,875	Annually	2,875	1 hour	2,875
BLS2000N	2,125	Annually	2,125	1 hour	2,125
BLS2000P1	2,875	Annually	2,875	1 hour	2,875
BLS2000N1	2,125	Annually	2,125	1 hour	2,125
RAS	1,000	Annually	1,000	15 min	250
Totals	11,000	Annually	11,000	56 min.	10,250

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 2nd day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–8487 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–24–M

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Report on Occupational Employment.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before June 4, 1996.

BLS is particularly interested in comments which help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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 submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue NE., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Employment Statistics (OES) survey is a Federal/State establishment survey of wage and salary workers designed to produce data on current occupational employment and wages. OES survey data assist in the development of employment and training programs established by the Job Training Partnership Act (JTPA) of 1982 and the Perkins Vocational Education Act of 1984. Planners are required to use OES data in justifying the need for training programs related to specific occupations.

The OES programs operates a periodic mail survey of a sample of nonfarm establishments conducted by all fifty States, Puerto Rico, the District of Columbia, American Samoa, Guam, and the Trust Territories of the Pacific Islands. Over three-year periods, data on occupational employment are collected by industry classification. The past OES cycles surveyed manufacturing industries, agricultural services, and hospitals during the first year; mining, construction, finance, real estate, and services (except hospitals and education) during the second year; and trade, transportation, communications, public utilities, education, and government services during the third year.

The OES wage survey addresses a critical void in the Federal statistical effort in a manner that is both cost effective and responsive to data quality concerns. Until recently, wage information was not provided across all occupations, industries, and Sates. The OES program started collecting wage data with two pilot surveys in 1989 and 1990. Follow-up response analysis surveys (RAS's) were conducted for both test years to assess the quality of the date collected. Based upon the positive results of the RAS's, BLS made the decision to offer a voluntary wage survey option to all States beginning in 1991. Fifteen States opted to collect OES wage data.

In 1995, a consortium comprised of officials from State Employment Security Agencies (SESAs) and the Employment and Training Administration (ETA) proposed collection of OES wage data in each State as a means of creating a consistently-developed national wage data base and for use in the Alien Labor Certification process.

The Immigration Act of 1990

The Immigration Act of 1990 (Public Law 101–649—Nov. 29, 1990) and Immigration and Naturalization Service (INS) regulations require that aliens seeking to enter the U.S. permanently or temporarily for the purpose of employment be excluded from admission unless the Department of Labor (DOL) certifies to INS and the Department of State that qualified U.S. workers are not available, and that the aliens' employment will not adversely affect the wages and working conditions of U.S. workers similarly employed.

This process is known as labor certification. In order to obtain a labor certification, the alien must have an employer who is willing to make an offer of employment and apply for a labor certification on behalf of the alien. Any employer applying for a labor certification on behalf of an alien is required to conduct a good faith test of the labor market for qualified U.S. workers, and must document all efforts made to recruit such workers. This good faith test must include offering wages which equal or exceed the prevailing wage applicable to similarly employed individuals in the same geographical area.

Therefore, the certification process relies heavily upon having accurate prevailing wage information readily available. Prevailing wage data currently are not collected in a systematic manner by the States. This has led to a process of determining prevailing wages that is both labor-intensive and cumbersome to the employer and the State agencies.

Difficulties of the Current System of Data Collection

Most States currently conduct occupational wage surveys. In many instances, State wage surveys have been administered on an ad hoc basis, meaning they conduct the survey only as the need arises.

Often this results in several surveys being done a year, each surveying different occupations for different

purposes. The methodologies employed by these State surveys vary widely and the resulting data, therefore, are sometimes of suspect quality. Often the surveys do not include basic instructions needed to adequately complete the form; others solicit information without properly defining key concepts for the respondent. These deficiencies lead to large non-sampling errors and produce unreliable estimates. In addition, ad hoc State surveys often lack statistically valid sampling techniques.

Advantages of Using the OES Survey

(1) Produces Valid, Reliable Data

The OES wage survey meets ETA's need for valid, reliable wage data. The OES wage survey offers comprehensive coverage of more than 750 occupations. Since these occupations are representative of our entire industrial and service economy, virtually all of the most frequently reported occupations requested for Alien Labor Certification are covered by the survey.

The survey covers sufficient geographic detail. Using the OES survey, it is possible to have any level of geographic detail as specified before sample selection. BLS currently provides funding for States to collect State-level data. A number of States use other funding sources to collect OES data by sub-State areas. Sampling could be expanded to the Metropolitan Statistical Area (MSA) level and other sub-State areas to provide occupational wage information for a specific area or labor market.

The OES wage survey, through extensive pilot testing, has developed statistically reliable methods of collecting and calculating a mean, median, and distribution of wage rates for surveyed occupations from 11 OES wage ranges. These mean and median wage rate estimates are valid measures of central tendency based on statistical research and validity testing.

The OES survey is a pure probability-based survey employing a large stratified sample size. The sampling techniques and the rigorous attention to statistical methods make the OES survey a reliable source of occupational employment and wage information. The OES survey generates data which are comparable across States and areas. The various SESAs that collect OES survey data follow a uniform set of guidelines established by BLS. This consistency of methodology and process ensures that data are comparable across States, sub-State areas, regions, and the nation.

(2) Eliminates Many Individual State Surveys Reducing Respondent Burden

The OES survey would significantly reduce the burden on respondents by eliminating numerous State wage surveys that have a total sample of approximately 1.2 million units per year. Eliminating these surveys would be especially advantageous for employers operating in several States who (under the present collection system) could be asked to furnish differing levels of wage data in various State surveys. The OES survey would reduce the burden on multi-State units by consolidating the collection method into one survey and by soliciting information, at most, once every three years.

Curently, the OES survey's average annual sample size is 240,000. Added to the 1,200,000 units surveyed by other annual State surveys, the total number of survey respondents per year is 1,440,000. The proposed change in the OES survey sample would result in 406,000 units being surveyed per year. The net reduction in respondents would be around 1,034,000 per year.

(3) Standardizes the Survey Instrument

Additionally, using the OES survey nationwide would help reduce respondent burden by standardizing the survey instrument. The OES wage survey has complete coverage of all occupations in an establishment. With the OES wage survey, the respondent simply provides the number of employees in each occupation broken out into 11 wage range categories.

(4) Reduces Costs

One of the most significant advantages of the OES survey would be the cost-savings to the taxpayer. Currently the ETA spends about $20 million a year to obtain data needed for Alien Labor Certification purposes. States spend around $5 million to conduct their own non-Alien Certification related wage surveys from Wagner Peyser or LMI funds. Additionally, Federal and State governments spend approximately $6 million on models that estimate occupational data for sub-State areas from State-wide OES data. The data, resulting from the proposed increased OES sample size, would preclude the need for these models. Expanding the OES wage survey nationwide would cost an estimated 24 million dollars, generating a net savings of approximately 7 million dollars.

Additional Uses of OES Wage Data

Historically, occupational employment data obtained by the OES survey have been used to develop information regarding current and projected employment needs and job opportunities. These data assist in the development of State vocational education plans. Nationwide collection of OES wage data can further develop labor market and occupational information at the Federal, State, and local levels. The survey meets the needs of organizations involved in planning and delivering services provided by the JTPA and the Perkins Vocational Education Act.

National OES wage data collection can provide a significant source of information to support a number of different Federal, State, and local efforts. For instance, occupational wage data can be extremely useful in the area of Unemployment Insurance (UI). Generally, UI clients must meet work-search requirements and take jobs with pay equivalent to their previous employment. Wage data by occupation can help employment services identify occupations that meet the requirements of these individuals. Similarly, the dislocated workers program under JTPA uses previous employment wages as a guide in preparing dislocated workers for employment. Depending on individual State laws, the OES survey can provide a standard source of occupational wage data to assist these workers.

Wage data at the occupational level can assist States in carrying out vocational rehabilitation programs or assist in the Social Security disability adjudication process. The data can support U.S. military interests by providing State and local career information for Department of Defense workers and uniformed personnel leaving military service.

OES wage data provide vocational education trainers and enrollees with information on what occupations are present in the economy as well as their corresponding wage rates. These data will assist the National and State Occupational Information Coordinating Committees to develop occupational information systems designed to aid job searches and career counselors.

Summary

At present, the Alien Labor Certification and other educational, training, and employment programs lack uniform, reliable wage data. The wage consortium comprised of State agencies has proposed using the OES survey, nationwide, to produce these data for

five main reasons: (1) The OES survey produces valid, reliable data; (2) it significantly reduces the burden on the respondent; (3) it produces the first national wage rate survey with comparable methodology across all locales; (4) it standardizes the collection process; and (5) it costs $7 million less than the current system.

As indicated, in addition to the use of wage data with the Alien Labor Certification process, reliable wage data have many other practical uses. Wage data can enhance information currently provided under the JTPA and Perkins Act. OES wage data also can inform important legal and administrative decisions such as Social Security adjudication, Unemployment Insurance work-search requirements, or minimum wage deliberations. Timely and reliable wage information is a valuable commodity to vocational trainers and enrollees.

II. Current Actions

BLS plans to revise the collection method of the OES survey. The revised OES survey will continue to be a probability-based sample survey of nonfarm establishments. Beginning in 1996, the OES survey will implement three major changes: (1) The sample will include all industries each year; (2) Estimates will be produced for 360 sub-State areas; and (3) Wage information will be collected for all States.

Although OES will continue to operate on a three-year cycle, under the revised sampling procedures the OES survey will collect both occupational employment and wage information each year for all nonagricultural industries. To minimize response burden, the new sampling system will include an establishment, at most, once every three years. With the revised sampling procedures, the OES survey will produce employment and wage estimates on an annual basis.

The OES sample is designed to yield reliable estimates by industry at the national, State, and sub-State levels. The revised OES survey will allow for estimates in 360 areas (310 Metropolitan Statistical Areas (MSAs) and other specified sub-State areas.) The sampling frame will stratify units by industry, geographic area, and by size of establishment. Establishments that employ 250 or more employees at a single worksite will be sampled with certainty once every three years.

The revised survey solicits occupational employment information by wage ranges. A respondent participating in the OES survey will provide the number of employees by occupation, broken out across 11 wage range categories. The survey will be a cost-effective, statistically reliable method of producing occupational wage distributions as well as mean and median wage estimates. To comply with the Alien Labor Certification legislation, State agencies will use the OES survey in place of current State wage surveys. The overall effect on respondents will be a decrease in burden placed on them by Federal and State government agencies.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Report on Occupational Employment.

OMB Number: 1220–0042.

Affected Public: Business or other for-profit; Not-for-profit institutions; Federal Government; State, local, or tribal governments.

Total Respondents: 406,000.

Frequency: BLS will conduct the survey annually. Reporting units will be sampled, at most, once every three years.

Total Responses: 316,680.

Average Time Per Response: 45 minutes.

Estimated Total Burden Hours: 237,510 hours.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintenance): 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the ICR; they also will become a matter of public record.

Signed at Washington, D.C., this 2nd day of April, 1996.

Peter T. Spolarich,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 96–8488 Filed 4–4–96; 8:45 am]

BILLING CODE 4510–24–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–039]

NASA Advisory Council; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council.

DATES: April 23, 1996, 8:30 a.m. to 2 p.m.; and April 24, 1996, 10:00 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, Room 9H40, 300 E Street, SW, Washington, DC 20546–0001 .

FOR FURTHER INFORMATION CONTACT: Ms. Anne L. Accola, Code Z, National Aeronautics and Space Administration, Washington, DC 20546–0001, (202) 358–0682.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Shuttle Contract Consolidation Status
—Space Operations Management Initiatives
—Reusable Launch Vehicle Concepts and Technologies
—Strategic Management and Planning Status
—NASA Response to Prior Council Recommendations
—Committee/Task Force Reports
—Discussion of Findings and Recommendations

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 1, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–8467 Filed 4–4–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–038]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that CASI, Inc., of Signal Mountain, Tennessee, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent Nos. 5,166,679; 5,214,388; 5,363,051; 5,373,245; and 5,442,347—entitled, respectively, ''Driven Shield Capacitive Proximity Sensor,'' ''Phase Discrimination Capacitive Array Sensor System,'' ''Steering Capaciflector Sensor,'' ''Capaciflector Camera,'' and ''Double-Driven Shield Capacitive Type Proximity Sensor,'' and for the following NASA inventions disclosed in NASA Case Nos. GSC–13,563–1; GSC–13,614–1; GSC–13,618–1; and GSC–13,701—entitled, respectively, ''Current Measuring OP–AMP Devices,'' ''Capaciflector-Guided Mechanisms,'' ''Frequency Scanning Capaciflector,''

and ''3–D Capaciflector.'' All of the aforesaid inventions are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license to CASI, Inc., should be sent to R. Dennis Marchant, Patent Counsel, NASA Goddard Space Flight Center, Code 204, Greenbelt, Maryland 20771.

DATES: Responses to this notice must be received by June 4, 1996.

FOR FURTHER INFORMATION CONTACT: R. Dennis Marchant, Patent Counsel, (301) 286–7351.

Dated: March 28, 1996.

Robet M. Stephens,

Associate General Counsel (General).

[FR Doc. 96–8468 Filed 4–4–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–037]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that QSound Labs, Inc., of Alberta, Canada, has requested an exclusive license to practice the invention described in U.S. Patent No. 5,438,623, entitled ''Multi-Channel Spatialization System for Audio Signals,'' which is assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to Mr. Ken Warsh, Patent Counsel, Ames Research Center.

DATES: Responses to this notice must be received by June 4, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Warsh, Patent Counsel, Ames Research Center, Mail Code 202A–3, Moffett Field, CA 94035; telephone (415) 604–1592.

Dated: March 28, 1996.

Robert M. Stephens,

Associate General Counsel (General).

[FR Doc. 96–8469 Filed 4–4–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–036]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Wessex, L.L.C., of Blacksburg, Virginia, has requested a partially exclusive license to practice the invention described and claimed in U.S. Patent No. 5,296,288 entitled ''Protective Coating for Ceramic Materials,'' which was issued to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration on March 22, 1994. Written objections to the prospective grant of a license should be sent to Mr. Ken Warsh, Patent Counsel, NASA Ames Research Center.

DATES: Responses to this Notice must be received by June 4, 1996.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Warsh, Patent Counsel, NASA Ames Research Center, Mail Code 202A–3, Moffett Field, CA 94035; telephone (415) 604–1592.

Dated: March 28, 1996.

Robert M. Stephens,

Associate General Counsel (General).

[FR Doc. 96–8470 Filed 4–4–96; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Sunshine Act Meeting

AGENCY: Institute of Museum Services.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. Please note: This meeting had been previously scheduled for January 12 but was postponed due to severe weather conditions in Washington, DC. This notice also describes the functions of the Board. Notice of this meeting is required under the Government through the Sunshine Act (Public Law 94–409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME/DATE: 9:00 am–10:30 am Wednesday, May 8.

STATUS: Open.

ADDRESSES: The Frederick R. Weisman Art Museum, Billy and Jody Weisman Seminar Room, 333 East River Road, Minneapolis, Minnesota.

FOR FURTHER INFORMATION CONTACT: Elsa Mezvinsky, Special Assistant to the Director, Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Room 510, Washington, D.C. 20506, (202) 606–8536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94–462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of Wednesday, May 8 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, 1100 Pennsylvania Avenue, N.W., Washington, D.C. 20506, (202) 606–8536–TDD (202) 606–8636 at least seven (7) days prior to the meeting date.

66th Meeting of the National Museum Services Board, The Frederick R. Weisman Art Museum, Wednesday, May 8, 1996, 9:00 am–10:30 am

Agenda

I. Chairman's Welcome and Approval of Minutes
II. Guest Speakers
III. Director's Report
IV. Appropriations Report
V. Legislative/Public Affairs Report
VI. IMS Programs Report
VII. Twentieth Anniversary/Town Hall Meeting Report and Discussion

Dated: April 2, 1996.

Linda Bell,

Director of Policy, Planning and Budget, National Foundation on the Arts and the Humanities, Institute of Museum Services.

[FR Doc. 96–8712 Filed 4–3–96; 4:01 pm]

BILLING CODE 7036–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. Type of submission, new, revision, or extension: Revision.

2. The title of the information collection: 10 CFR Part 32, ''Specific

Domestic Licenses to Manufacture or Transfer Certain Items Containing Byproduct Material.''

3. The form number if applicable: Not applicable.

4. How often the collection is required: There is a one-time submittal of information to receive a license. Renewal applications are submitted every 5 years. In addition, recordkeeping must be performed on an on-going basis, and reports of transfer of byproduct material must be reported every 5 years.

5. Who will be required or asked to report: All specific licensees who manufacture or initially transfer items containing byproduct material for sale or distribution to general licensees or persons exempt from licensing.

6. An estimate of the number of responses: 5,462 responses from NRC licensees and 8,039 responses from Agreement State licensees.

7. The estimated number of annual respondents: 265 NRC licensees and 333 Agreement State licensees.

8. An estimate of the total number of hours needed annually to complete the requirement or request: 53,333 hours or 201 hours per NRC licensee and 95,307 hours or 286 hours per Agreement State licensee. The difference in individual licensee burden between NRC and Agreement States is due to the fact that a higher percentage of the Agreement State licensees are nuclear pharmacies, which have a large recordkeeping burden because of the labeling requirements for radiopharmaceuticals.

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Not applicable.

10. Abstract: 10 CFR Part 32 establishes requirements for specific licenses for the introduction of byproduct material into products or materials and transfer of the products or materials to general licensees or persons exempt from licensing. It also prescribes requirements governing holders of the specific licenses. Some of the requirements are for information which must be submitted in an application for a specific license, records which must be kept, reports which must be submitted, and information which must be forwarded to general licensees and persons exempt from licensing. In addition, 10 CFR Part 32 prescribes requirements for the issuance of certificates of registration (concerning radiation safety information about a product) to manufacturers or initial transferors of sealed sources and devices. Submission or retention of the information is mandatory for persons subject to the 10 CFR Part 32 requirements. The information is used by the NRC to make licensing and other regulatory determinations concerning the use of radioactive byproduct material in products and devices.

A copy of the submittal may be viewed free of charge at the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC. Members of the public who are in the Washington, DC, area can access the submittal via modem on the Public Document Room Bulletin Board (NRC's Advance Copy Document Library) NRC subsystem at FedWorld, 703–321–3339. Members of the public who are located outside of the Washington, DC, area can dial FedWorld, 1–800–303–9672, or use the FedWorld Internet address: fedworld.gov (Telnet). The document will be available on the bulletin board for 30 days after the signature date of this notice. If assistance is needed in accessing the document, please contact the FedWorld help desk at 703–487–4608. Additional assistance in locating the document is available from the NRC Public Document Room, nationally at 1–800–397–4209 or, within the Washington, DC, area, at 202–634–3273.

Comments and questions should be directed to the OMB reviewer by May 6, 1996: Peter Francis, Office of Information and Regulatory Affairs (3150–0001), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 29th day of March, 1996.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 96–8449 Filed 4–4–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–133, 50–275 and 50–323]

Pacific Gas and Electric Company; Humboldt Bay Power Plant, Unit 3; Diablo Canyon Nuclear Power Plant, Units 1 and 2

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the proposed corporate restructuring of Pacific Gas and Electric (PG&E), the licensee for Humboldt Bay Power Plant, Unit 3 and Diablo Canyon Nuclear Power Plant, Units 1 and 2. By letter dated November 1, 1995, PG&E informed the Commission that a corporate restructuring of PG&E has been proposed that will result in the creation of a holding company under the name PG&E Parent Co., Inc. (''Parent Company'') of which PG&E would become a wholly-owned subsidiary. PG&E will remain holder of its licenses for Humboldt Bay Power Plant, Unit 3 and Diablo Canyon Nuclear Power Plant, Units 1 and 2. Under the restructuring, the holders of PG&E common stock will become the holders of common stock of the holding company on a share-by-share basis. After the restructuring, PG&E will continue to be a public utility providing the same utility services as it did immediately prior to the reorganization. According to the proposed plan, there will be no significant change in ownership, management, or sources of funds for operation, maintenance, or decommissioning of the Humboldt Bay Power Plant, Unit 3 and Diablo Canyon Nuclear Power Plant, Units 1 and 2 due to the corporate restructuring.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to have control of the license and that the transfer of such control is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the licensee's letter dated November 1, 1995, with the following attachments: letter dated October 20, 1995, application filed before the Public Utilities Commission of the State of California from Harry W. Long, Jr. and Pilar Garcia, attorneys for Pacific Gas and Electric Company, and Testimony of Kent M. Harvey (Exhibit PG&E–1) and Keith O. Fukui (Exhibit PG&E–2). These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington DC, and at the local public document rooms located at Humboldt County Library, 1313 3rd Street, Eureka, California 95501 and at the California Polytechnic State University, Robert E. Kennedy Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Dated at Rockville, Maryland, this 29th day of March 1996.

For the Nuclear Regualtory Commission.

Steven D. Bloom,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–8448 Filed 4–4–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Number 40–6622]

Pathfinder Mines Corporation

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of Receipt of Application from Pathfinder Mines Corporation to include site-reclamation milestones in its Source Material License SUA–442 for the Shirley Basin, Wyoming Uranium Mill site. Notice of Opportunity for a Hearing.

SUMMARY: Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated March 26, 1996, an application from Pathfinder Mines Corporation (PMC) to amend its Source Material License No. SUA–442 for the Shirley Basin, Wyoming uranium mill site. The license amendment application proposes to include a schedule for completion dates for site reclamation milestones.

FOR FURTHER INFORMATION CONTACT: Mohammad W. Haque, Uranium Recovery Branch, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–6640.

SUPPLEMENTARY INFORMATION: The proposed schedule of reclamation milestones is as follows:

(1) Windblown tailings retrieval and placement on the tailings pile—December 31, 1997.

(2) Placement of an interim cover over tailings—December 31, 1997.

(3) Placement of final radon barrier—December 31, 1999.

(4) Placement of erosion protection—December 31, 2000.

(5) Completion of groundwater corrective actions—December 31, 2005.

PMC's application to amend Source Material License SUA–442 to include the proposed schedule of reclamation milestones is being made available for public inspection at the NRC's Public Document Room at 2120 L Street, NW (Lower Level), Washington, DC 20555.

The NRC hereby provides notice of an opportunity for a hearing on the license amendment under the provisions of 10 CFR Part 2, Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings.'' Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for hearing must be filed within 30 days of the publication of this notice in the Federal Register. The request for a hearing must be filed with the Office of the Secretary, either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

(1) The applicant, Pathfinder Mines Corporation, 935 Pendell Boulevard, P.O. Box 730, Mills, Wyoming 82644, Attention: Tom Hardgrove; and

(2) The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852 or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

Dated at Rockville, Maryland, this 29th day of March 1996.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 96–8447 Filed 4–4–96; 8:45 am]

BILLING CODE 7590–01–P

[Docket Nos. 50–327 and 50–328]

Tennessee Valley Authority, Sequoyah Nuclear Plant Units 1 and 2; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted a request by the Tennessee Valley Authority (the licensee) to withdraw its application for amendments dated November 16, 1992, (which was supplemented by letter dated September 3, 1993), to Facility Operating License Nos. DPR–77 and DPR–79, respectively, issued to the licensee for operation of the Sequoyah Nuclear Plant, Unit Nos. 1 and 2, located in Soddy Daisy, Tennessee. Notice of Consideration of Issuance of this amendment was published in the Federal Register on December 9, 1992 (57 FR 58253).

The purpose of the amendment request was to revise the Technical Specifications (TS) pertaining to the minimum value specified for the reactor coolant system total flow rate requirement, TS 3.2.5, Table 3.2–1.

Subsequently, the licensee informed the staff that the amendment is no longer required. Thus, the amendment application is considered to be withdrawn by the licensee.

For further details with respect to this action, see (1) the application for amendment dated November 16, 1992, and its supplemental letter dated September 3, 1993, and (2) the staff's letter dated March 13, 1996.

These documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room located at the Chattanooga-Hamilton County Library, 1101 Broad Street, Chattanooga, Tennessee.

Dated at Rockville, Maryland, this 29th day of March 1996.

For the Nuclear Regulatory Commission.

David E. LaBarge, Sr.,

Project Manager, Project Directorate II–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 96–8446 Filed 4–4–96; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request Review of a Revised Information Collection (RI 25–49)

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 has submitted to the Office of Management and Budget a request for clearance of a revised information collection. RI 25–49, Verification of Adult Student Enrollment Status, is used to verify that adult students are entitled to payments. OPM needs to know that a full-time enrollment has been maintained.

We estimate 10,000 RI 25–49 forms are completed annually. Each form takes approximately 60 minutes to complete. The annual estimated burden is 10,000 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 may 5, 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

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management & Budget, New Executive Office Building NW., Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Mary Beth Smith-Toomey, Management Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 96–8376 Filed 4–4–96; 8:45 am]

BILLING CODE 6325–01–M

Submission for OMB Review; Comment Request for Reclearance of Information Collection (SF 3102)

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 will submit to the Office of Management and Budget a request for reclearance of an information collection. SF 3102, Designation of Beneficiary Federal Employees Retirement System, is used by employees and annuitants covered under the Federal Employees Retirement System to designate a beneficiary to receive any lump sum due in the event of his/her death.

Approximately 1,136 SF 3102 forms are completed annually. Each form takes approximately 15 minutes to complete. The annual estimated burden is 284 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 May 5, 1996.

ADDRESSES: Send or deliver comments to—

Daniel A. Green, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4429, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., Room 3002, Washington, DC 20503.

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. 96–8377 Filed 4–4–96; 8:45 am]

BILLING CODE 6325–01–M

PRESIDENTIAL ADVISORY COMMITTEE ON GULF WAR VETERANS' ILLNESSES

Meeting

AGENCY: Presidential Advisory Committee on Gulf War Veterans' Illnesses.

ACTION: Notice of open meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act, this notice is hereby given to announce an open meeting of the Presidential Advisory Committee on Gulf War Veterans' Illnesses.

DATES: May 1, 1996, 9:00 a.m.–4:45 p.m.; May 2, 1996, 9:00 a.m.–3:30 p.m.

PLACE: Omni Shorham, 2500 Calvert Street, NW., Washington, DC 20008.

SUPPLEMENTARY INFORMATION: The President established the Presidential Advisory Committee on Gulf War Veterans' Illnesses by Executive Order 12961, May 26, 1995. The purpose of this committee is to review and provide recommendations on the full range of government activities associated with Gulf War veterans' illnesses. The committee reports to the President through the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of Veterans Affairs. The committee members have expertise relevant to the functions of the committee and are appointed by the President from non-Federal sectors.

Tentative Agenda

Wednesday, May 1, 1996

9:00 a.m. Call to order and opening remarks
9:05 a.m. Public comment
10:15 a.m. Break
10:30 a.m. Report on research funded through the 1995 Broad Agency Announcement: Department of Defense (DOD)
11:00 a.m. Followup on chemical and biological warfare (CBW) panel meeting
11:30 a.m. Medical evaluation of possible CBW exposures in the Gulf War
12:15 p.m. Lunch
1:30 p.m. Detection of CBW agents during the Gulf War
3:00 p.m. Break
3:30 p.m. Effectiveness of U.S. CBW defense measures
4:45 p.m. Meeting recessed

Thursday, May 2, 1996

9:00 a.m. Call to order
9:05 a.m. Health effects of low-level chemical warfare agent exposure
10:45 a.m. Break
11:00 a.m. Health effects of multiple vaccines
12:00 p.m. Lunch
1:00 p.m. Antidotes to CBW agents: DOD
2:00 p.m. Antidotes to CBW agents: Food and Drug Administration
3:00 p.m. Committee and staff discussion: Next Steps
3:30 p.m. Meeting adjourned

A final agenda will be available at the meeting.

Public Participation

The meeting is open to the public. Members of the public who wish to make oral statements should contact the Advisory Committee at the address or telephone number listed below at least five business days prior to the meeting. Reasonable provisions will be made to include on the agenda presentations from individuals who have not yet had an opportunity to address the Advisory Committee. Priority will be given to Gulf War veterans and their families. The Advisory Committee Chair is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. People who wish to file written statements with the Advisory Committee may do so at any time.

FOR FURTHER INFORMATION CONTACT: John D. Longbrake, Presidential Advisory Committee on Gulf War Veterans' Illnesses, 1411 K Street NW., suite 1000, Washington, DC 20005, Telephone: (202) 761–0066, Fax: (202) 761–0310.

Dated: April 2, 1996.

C.A. Bock,

Federal Register Liaison Officer, Presidential Advisory Committee on Gulf War Veterans' Illnesses.

[FR Doc. 96–8491 Filed 4–4–96; 8:45 am]

BILLING CODE 3610–76–M

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following open meeting during the week of April 8, 1996.

An open meeting will be held on Wednesday, April 10, 1996, at 10:00 a.m., in Room 1C30.

The subject matter of the open meeting scheduled for Wednesday, April 10, 1996, at 10:00 a.m., will be:

Consideration of whether to propose a new regulation containing anti-manipulation rules governing securities offerings. The new regulation would simply, modify, and, in some cases, eliminate provisions that otherwise restrict the activities of issuers, underwriters, and others participating in a securities offering. The new regulation is proposed to be adopted under various provisions of the Securities Act of 1933 and Securities Exchange Act of 1934 (''Exchange Act'') and, if adopted, would replace current Rules 10b–6, 10b–6A, 10b–7, 10b–8, and 10b–21 under the Exchange Act. Related amendments to Items 502(d) and 508 of both Regulations S–B and S–K, and to Rules 10b–18 and 17a–2 under the Exchange Act, also will be considered. For further information, contact M. Blair Corkran or K. Susan Grafton at (202) 942–0772.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 942–7070.

Dated: April 3, 1996.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–8624 Filed 4–3–96; 2:17 pm]

BILLING CODE 8010–01–M

[Release No. 34–37040; International Series Release No. 961; File No. SR–Amex–96–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Waiver of Transaction Fees

March 29, 1996.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 18, 1996, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to waive the monthly equity transaction charge for executions in World Equity Benchmark Shares (''WEBS'') for the first 90 days of trading.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Exchange proposes to waive, for the first 90 days of trading in WEBS, the monthly equity transaction charge for executions of on-floor and off-floor orders, including those for the accounts of floor members, Registered Options Traders, customers, and firm proprietary accounts. WEBS are issued by Foreign Fund, Inc., an open-end management investment company, and are listed on the Exchange pursuant to Exchange Rule 1000A.[2]

Each WEBS Index Series invests primarily in equity securities traded in foreign markets in an effort to track the performance of a specified foreign equity market index. Seventeen WEBS Index Series have been listed on the Exchange: Australia Index Series, Austria Index Series, Belgium Index Series, Canada Index Series, France Index Series, Germany Index Series, Hong Kong Index Series, Italy Index Series, Japan Index Series, Malaysia Index Series, Mexico (Free) Index Series, Netherlands Index Series, Singapore (Free) Index Series, Spain Index Series, Sweden Index Series, Switzerland Index Series, and United Kingdom Index Series.

The investment objective of each of the initial seventeen Index Series is to seek to provide investment results that correspond generally to the price and yield performance of publicly traded securities in the aggregate in particular foreign markets, as represented by a particular foreign equity securities index compiled by Morgan Stanley Capital International (''MSCI'').

The Exchange believes it is appropriate to waive transaction charges for an initial 90-day period in order to promote additional investor and professional interest in WEBS with the aim of enhancing liquidity.

The Amex believes that its proposal is consistent with Section 6(b)(4) of the Act in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers, and other persons using the Exchange's facilities.

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] *See* Securities Exchange Act Release No. 36947 (March 8, 1996), 61 FR 10606.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Amex believes that the proposed rule change will impose no burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change establishes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b–4 thereunder. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to File No. SR–Amex–96–09 and should be submitted by April 26, 1996.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[3]

[3] 17 CFR 200.30–3(a)(12) (1994).

Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 96–8395 Filed 4–4–96; 8:45 am]
BILLING CODE 8010–01–M

[Release No. 34–37045; File No. SR–BSE–95–02]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Granting Approval of Proposed Rule Change Permitting Competing Specialists on the Floor of the Exchange

March 29, 1996.

I. Introduction

On February 6, 1995, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt permanently rules permitting competing specialists on the floor of the Exchange and guidelines governing their registration and activity. The proposed rule change was published for comment in Securities Exchange Act Release No. 35404 (February 22, 1995), 60 FR 10882 (February 28, 1995).[3] Four comment letters were received on the proposed rule change.

II. Background

On May 18, 1994, the Commission approved a one-year pilot program, referred to as the Competing Specialist Initiative (''CSI''), that permits competing specialists on the floor of the BSE.[4] The pilot has been extended twice and will expire after March 29, 1996.[5]

Initially, the CSI pilot limited the number of specialists that could compete in a stock to three—one regular specialist and up to two Competing Specialists. Each Competing Specialist was limited to 10 stocks, unless the Exchange's Market Performance Committee approved an increase of up to 20 stocks per applicant firm. Competing Specialists were also prohibited from making cash payments for order flow. In its most recent extension of the program, the Commission approved an expansion of the program to allow a total of four specialists per stock. In addition, Competing Specialists were permitted to trade up to 100 stocks each. Presently, there are four member firms participating in the pilot program, cumulatively making markets in 44 stocks (''CSI stocks''). The Exchange proposes that the CSI be permanently approved without the above restrictions.

III. Description of the Program

As explained further below, the principal feature of the CSI is that it permits members to route order flow to a designated specialist for execution. Such order flow would only be executed by the designated specialist if there are then no limit orders on the BSE book at the execution price and one of the other specialists are quoting at the ITS/BBO with time priority.

A. Mechanics of the Competing Specialist Program

Under the BSE's competing specialist pilot, the Exchange's rules governing the auction market principles of priority, parity, and precedence remain unchanged for quotes at the Intermarket Trading System (''ITS'') best bid or offer (''BBO'').[6] Quotes representing customer orders have priority over specialists' quote at the same price,[7] and specialist quoting at the ITZ/BBO have priority over specialists not quoting at the ITS/BBO. If two or more specialists are quoting at the ITS/BBO, the earliest bid/offer at that price has time priority and will be filled first up to its specified size.[8] If the specialists are on both price

[1] 15 U.S.C. § 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On August 10, 1995, the BSE submitted Amendment No. 1 to the proposed rule change. Amendment No. 1 clarified that, under the BSE rules, limit orders will be executed in the order in which they are received by the BEACON System, *i.e.*, according to strict time priority, irrespective of firm order routing procedures. The rule change contained in Amendment No. 1 has been approved as part of the most recent extension of the competing specialist pilot. *See* Securities Exchange Act Release No. 36323 (September 29, 1995), 60 FR 52440 (October 6, 1995) (order extending pilot through March 29, 1996).

[4] *See* Securities Exchange Act Release No. 34078 (May 18, 1994), 59 FR 27082 (May 25, 1994) (''Pilot Approval Order''). Competition between multiple specialists on the Exchange did not begin, however, until July 1994, when two firms began acting as Competing Specialists in a total of seven issues.

[5] *See* Securities Exchange Act Release No. 35716 (May 15, 1995), 60 FR 26908 (May 19, 1995) (order extending pilot through October 2, 1995); and Securities Exchange Act Release No. 36323, *supra* note 3 (order extending pilot through March 29, 1996).

[6] *See* BSE Rules, Chapter II, Sec. 6.

[7] When acting as an agent, specialists are required to hold the interests of orders entrusted to them above their own interests. *See* BSE Rules Chapter XV, Sec. 2(b). Specialists may not trade for their own accounts at the same or better price as unexecuted limit orders that are being held for customers. *See* BSE Rules, Chapter II, Sec. 11. The Exchange recently clarified in its rules that because there is only one Exchange market in a security, specialists may not trade ahead of any limit order on the Exchange, irrespective of firm order routing designations. *See* Securities Exchange Act Release No. 36323, *supra* note 3.

[8] Regardless of the number of specialists competing in a stock, the BSE displays only one consolidated quotation (best quote among all the

and time parity at the ITZ/BBO, all bids/offers equal to or greater than the size of the contra-side order are on parity and entitled to precedence over smaller orders.

All limit orders sent to the BSE must be entered into the BSE's automated order routing system (''BEACON''), which maintains one consolidated limit order book for the Exchange and ensures that limit orders at the same price are kept in strict time priority, irrespective of routing designations. Each specialist in a security has the ability to execute limit orders on the Exchange's consolidated limit order book through its BEACON terminal. Market orders and marketable limit orders routed through BEACON (approximately 95% of all orders on the BSE) [9] are automatically executed by the system against any contra-side orders on the consolidated limit order book. Before any market and marketable limit orders are automatically executed by the BEACON system, however, they are exposed to the designated specialist for 15 seconds to give that specialist an opportunity to improve the price.[10]

Under CSI rules, when there are no customer limit orders at the ITS/BBO and none of the other specialists in the stock are quoting at the ITS/BBO with time priority, orders may be executed at the ITS/BBO or better by the designated specialist.[11] Orders not directed to a particular specialist are automatically routed to the regular specialist for execution,[12] except that the orders of a routing firm that is affiliated with a Competing Specialist are deemed to be designated to that member firm's affiliated specialist. This prevents member firms affiliated with a specialist from routing non-profitable orders to a non-affiliated specialist when market conditions are unfavorable.[13]

Currently, a Competing Specialist is not able to enter quotes directly into BEACON but must manually communicate its quotes to the regular specialist who then enters the quotes into BEACON on its behalf. Because all quotes are entered into the system by the regular specialist, BEACON presently routes orders that are not executed against the consolidated limit order book to the designated specialist without systematically determining whether another specialist may have a priority quote at the ITS/BBO.[14] In order to encourage competitive quoting by all specialists making markets in a security, the BSE has committed to modify BEACON so that the system will accept quotes directly from Competing Specialists.[15] Once the system is enhanced so that BEACON accepts quotes from each specialist directly, the BSE will reprogram BEACON to route incoming orders to the specialist with priority on the Exchange at the ITS/BBO, or if no such priority has been established, to the designated specialist.[16]

B. Procedures for Competing Specialists

Under the CSI pilot, Competing Specialists have the same affirmative and negative market making obligations as regular specialists [17] and must conform to all other specialist performance requirements and standards set forth in the Rules of the Exchange,[18] including minimum capital and equity requirements.[19]

To register as a Competing Specialist, an applicant must submit a written application to the BSE's Market Performance Committee (''MPC''), listing in order of preference the stock(s) in which the applicant wishes to compete. Applicants for participation in the CSI must be registered with the Exchange as specialists. The MPC reviews applications [20] with consideration for the following factors:

- Overall performance evaluation results of the applicant;
- Financial capability;
- Adequacy of manpower on the floor; and
- Objection by the regular specialist in a stock, with or without cause.[21]

A Competing Specialist seeking to terminate such status must notify the MPC at least three business days prior to the desired effective date of such withdrawal from competition. Withdrawal from registration by a Competing Specialist bars that Competing Specialist from applying to compete in that same stock for 90 days following the effective date of withdrawal. When the regular specialist requests to be relieved of a stock, the stock is posted for reallocation by the Stock Allocation Committee. In the interim, if the MPC is satisfied that the Competing Specialist can continue to maintain a fair and orderly market in such stock, the Competing Specialist will serve as the regular specialist until the stock has been reallocated.[22] Where there is more than one Competing Specialist in the stock, Exchange staff will place the stock with a caretaker[23] until reallocation.

The registration of a Competing Specialist, as is the case with regular specialists, may be suspended or terminated by the MPC upon a determination of any substantial or continued failure by such Competing Specialist to engage in dealings in accordance with the Constitution and Rules of the Exchange.

IV. Summary of Comments

The Commission received four comment letters on the proposed rule change. Paula Gavin, Chairwoman of the NYSE Individual Investors Advisory Council, submitted two letters asserting that ''preferencing'' programs (*i.e.*,

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specialists) to other markets in the national market system at all times.

[9] Orders communicated to a specialist (rather than routed to the specialist through BEACON) are entered into BEACON by the specialist for execution.

[10] *See* BSE Rules, Chapter XXXIII, Sec. 3(c).

[11] For example, assume that the ITS/BBO is 20 bid to 20⅛ 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 ITS/BBO. Under the competing specialist program, specialist B would execute the order at 20 (the ITS best bid) or better. If specialist A had been bidding 20 (the ITS best bid), specialist A would have had priority to execute the order even though it was directed to specialist B.

[12] *See infra* notes 14 and 15, and accompanying text.

[13] *See infra* notes 14 and 15, and accompanying text.

[14] The Commission notes that, although the BSE's system currently is not able to automatically route orders to the specialist with priority, the BSE's rules on competing specialists do not permit a specialist to trade through another BSE specialist's quote that has priority at the ITS/BBO. If this were to occur, it would be a violation of BSE rules. The Commission expects the BSE to take appropriate regulatory action in the event of such a violation of the CSI rules.

[15] *See* letter from John I. Fitzgerald, Executive Vice President, BSE, to Howard Kramer, Associate Director, SEC, dated February 29, 1996 (agreeing to complete system enhancements within one year from permanent approval of the CSI).

[16] *Id.*

[17] *See, e.g.*, U.S.C. 78k; and BSE Rules, Chapter XV.

[18] *See generally* BSE Rules, Ch. XV (rules governing the responsibilities of specialists). The Commission notes that all BSE specialists, including Competing Specialists, affiliated with an approved person must have proper information barriers in place in conformance with BSE Rules, Ch. II, § 36. *See* Securities Exchange Act Release No. 34076, (May 18, 1994) 59 FR 26822 (May 24, 1994).

[19] *See* BSE Rules, Ch. VIII and Ch. XII.

[20] The decision of the MPC may be appealed to the Executive Committee.

[21] Any objection by the regular specialist to permit competition in one or more of such specialist's stock must be in writing and filed with the Exchange within 48 hours (unless the specialist is unavailable, in which case within 48 hours of becoming available) of notice of filing of the competing specialist application. The MPC may not deny applications based solely on such an objection. Rather, it is only to be used in circumstances wherein the stock at issue requires special treatment such that an entering competitor could jeopardize the fair and orderly market maintained by the regular specialist.

[22] Once competition begins in a security, any subsequent reallocation will bar objection rights from that day forward.

[23] A ''caretaker'' is a specialist from another specialist unit who is chosen by the Exchange to temporarily act as the regular specialist.

allowing orders to be directed to a particular specialist for execution against itself) deny such orders the benefits and protections of auction market trading[24]. As a result, Ms. Gavin believes such orders do not get the benefit of potential price improvement, nor do they add to the pricing mechanism of the national market system. Ms. Gavin therefore believes that preferencing programs should not be permitted to continue.

The Commission received two letters that included preliminary drafts of an academic paper from Indiana University that studies the short term effects of preferencing on market quality (''IU Study'').[25] The IU Study looked for potential shifts in market share, bid/ask spreads, and liquidity premiums for 34 NYSE-listed securities that were traded pursuant to the CSI pilot between July 1994 and March 1995. The IU Study's preliminary results indicate that the introduction of competing specialists on the BSE appears to have substantially increased the BSE's trade volume in the 34 stocks and that, in particular, the share of small trades executed on the BSE doubled in short period of time. The IU Study found, however, that over the short term studied the effects of competing specialists on market quality appear to be minimal. Although the IU Study found that spreads and liquidity premiums decreased, [26] it concludes that this decrease is not statistically significant because of the limited number of stocks studied. The IU study further notes that, to the extent that retail brokers internalizing trades reduce (or even eliminate) commissions, investor welfare is improved.

V. Data Summary

In its approval of the CSI pilot, the Commission requested that the BSE provide, through specified periodic reporting requirements, data regarding the CSI's effect on competition on the BSE and within the national market system. Since the commencement of the CSI pilot, the Exchange has submitted to the Commission several reports that contained trade and share data for stocks traded on the BSE.[27]

The data provided by the Exchange indicated that trade and share volume for the BSE overall increased during the CSI pilot.[28] The data also indicated that Competing Specialists have received a substantial amount of order flow in CSI stocks. Specifically, the most recent BSE report states that in December 1995, orders directed to a Competing Specialist accounted for 58% of total trades and 43% of total shares executed in CSI issues.[29] In addition, the data showed that the depth of the limit order book generally increased in CSI stocks during the pilot, and that approximately 25% of the orders directed to the Competing Specialist were limit orders.[30] Furthermore, over the last year, between 12% and 21% of the orders directed to a Competing Specialist were executed against limit orders on the Exchange's consolidated book.[31]

The data was mixed in regard to whether the CSI has increased competition on the BSE. Specifically, the BSE reported that regular specialists executed less than 1% of the orders directed to Competing Specialists.[32] Under CSI rules, regular specialists would have executed a higher percentage of the orders directed to Competing Specialists had they been aggressively quoting at the ITS/BBO.[33] BSE data also indicated, however, that the CSI may contribute to the BSE's competitiveness within the national market system. The Exchange reported that during November 1995, BSE quotes matched at least one side of the ITS/BBO more often in CSI stocks than in a comparable sample of BSE-traded issues in which there was only one specialist.[34]

VI. Discussion

After careful review of the competing specialist program, and for the reasons discussed below, the Commission believes that approval of the CSI is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes the proposal is consistent with Section 6(b)(5) of the Act,[35] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to perfect the mechanism of a free and open market and a national market system and to protect investors and the public interest. The competing specialist program also is consistent with Section 11A of the Act,[36] which generally promotes, among other things, the development of a national market system for securities to assure economically efficient execution of securities transactions and fair competition among brokers and dealers, among exchange markets and markets other than exchange markets.

The Commission supports efforts by exchanges to provide increased liquidity and competition on their trading floors or trading systems. Such efforts can enhance market quality and enable exchanges to compete more effectively for order flow. The BSE's competing specialist program was designed to improve BSE market making and, although the data is mixed, it appears as though the CSI has provided some increased competition and order interaction on the BSE floor. At the same time, the Commission is sensitive to concerns presented by internalized order flow and its potential effect on the

[24] *See* letters from Paula Gavin, Chair, NYSE Individual Investors Advisory Council, to Chairman Levitt, SEC, dated July 17, 1995, and October 2, 1995.

[25] *See* letter from Robert Jennings, Faculty Fellow and Professor of Finance, Indiana University School of Business, to Jonathan Katz, Secretary, SEC, dated June 30, 1995; and letter from Robert Battalio, Assistant Professor University of Notre Dame, to Jonathan G. Katz, Secretary, SEC, dated March 6, 1996 (''IU Study'').

[26] The liquidity premium measures the closeness of transaction prices to the mid-point of the quotation spread. Thus, a decrease in the liquidity premium indicates that transaction prices have moved closer to the mid-point of the spread.

[27] The reports are available in the public file. *See* Competing Specialist Initiative Report, submitted to the Commission on February 13, 1995 (''BSE Report No. 1''); letter from Karen Aluise, Assistant Vice President, BSE, to N. Amy Bilbija, Attorney, SEC, dated April 28, 1995 (''BSE Report No. 2''); and letter from Karen Aluise, Assistant Vice President, BSE, to Glen Barrentine, Senior Counsel, SEC, dated February 14, 1996 (''BSE Report No. 3'').

[28] The BSE reports, for example, that for the month of December 1994, there were 171,075 trades and 106,753,284 shares executed on the Exchange. For the month of December 1995, 195,272 trades and 120,665,485 shares where executed on the Exchange. The number of reports for all BSE trades to the Consolidated Tape Association (''CTA'') also increased slightly. The BSE reports that in the first quarter of 1994, before the competing specialist program was initiated, CTA trades for the Exchange reached 461,264. *See* BSE Report No. 1, *supra* note 27. In 1995, CTA trades had increased to 475,425 for the first quarter, 564,750 for the second quarter, 550,337 for the third quarter, and 463,616 for the fourth quarter. *See* BSE Report No. 3, *supra* note 27.

[29] The percentage of the total trades and number of shares in CSI issues has increased steadily over the pilot period. *See* BSE Reports Nos. 1, 2, and 3, *supra* note 27.

[30] *See* BSE Reports Nos. 2 and 3, *supra* note 27. The BSE reported that during the month of January 1995, the Exchange had 3457 open limit orders (1,313,576 shares), compared to 6928 open limit orders (11,808,335) during the month of December 1995.

[31] *See* BSE Reports Nos. 2 and 3, *supra* note 27.

[32] *Id.*

[33] As discussed later in this order, the Commission believes that quote competition between the regular specialist and Competing Specialists could be stimulated by system enhancements that allow all specialists to enter their own quotes into BEACON.

[34] Letter from Karen Aluise, Assistant Vice President, BSE, to Glen Barrentine, Senior Counsel, SEC, dated March 5, 1996. The BSE reported that during the month of November, approximately 20% of BSE quotes in 43 CSI stocks matched at least one side of the ITS/BBO. In a sample of 44 non-CSI stocks, only approximately 17% of the BSE's quotes matched at least one side of the ITS/BBO. The BSE also indicated that for both groups of stocks, the BSE produced approximately 1% of all quotes that established a new ITS/BBO.

[35] 15 U.S.C. 78f(b).

[36] 15 U.S.C. 78k–1.

handling of customer orders and the ability of broker-dealers to fulfil their duty to seek best execution of customers' orders. Accordingly, the Commission has considered, among other things, the CSI's effect on achievement of economically efficient execution of securities transactions, fair competition among brokers and dealers and among exchange markets, as well as the practicability of brokers executing investors' orders in the best market.

The Commission believes that the BSE's competing specialist program, while it may increase internalization, is not necessarily inconsistent with a broker-dealer's duty to seek best execution of customer orders. All limit orders are represented and executed according to the order of their receipt in the BSE's consolidated limit order book (*i.e.,* time priority), irrespective of whether the orders are designated for a particular specialist. Before an incoming market or marketable limit order is routed to a designated specialist, the BEACON system scans the consolidated limit order book for a contra-side order. If there is such an order on the book, BEACON automatically exposes the order to the designated specialist for possible price improvement before matching the order with the contra-side order on the book. This system of matching incoming orders with orders on the BSE's consolidated book ensures that customer market and limit orders are given an opportunity to interact before a specialist can execute the orders against itself, while also providing an opportunity for price improvement for market and marketable limit orders before they are automatically executed. Indeed, the CSI has enhanced order interaction on the BSE by increasing the volume of limit orders sent to the exchange.

While the Commission concludes, for the reasons discussed above, that the CSI is not necessarily inconsistent with a broker-dealer's duty to seek best execution, the Commission recognizes that execution quality is, in large part, dependent on the diligence of BSE members in handling customer orders. While this is true of all markets, it is of particular significance in markets where dealers execute customer orders as principal. It is therefore incumbent on the BASE,[37] as well as the Commission in its oversight capacity, to ensure that BSE members provide best execution of customer orders.

In this regard, the Commission's recent order routing disclosure requirements[38] and its proposed order handling rules[39] signal a renewed emphasis on the importance of price improvement opportunities in connection with the duty to seek best execution. As the Commission has noted, while an automated order routing environment is not necessarily inconsistent with the achievement of best execution, broker-dealers choosing where to automatically route orders must assess periodically the quality of competing markets to assure that order flow is directed to markets providing the most advantageous terms for their customers' orders.[40] Thus, a broker-dealer may not simply employ default order routing to an affiliated BSE specialist without undertaking such an evaluation on an ongoing basis. A broker-dealer sending orders to the BSE must satisfy itself that its routing decision is consistent with its best execution obligations, irrespective of the firm's desire to internalize order flow through an affiliated BSE specialist. To reach this conclusion, the broker-dealer must rigorously and regularly examine the executions likely to be obtained for customer orders in the different markets trading the security, in addition to any other relevant considerations in routing customer orders.

The Commission also believes that the competing specialist program is reasonably designed to facilitate competition among BSE specialists. A specialist may not execute directed order flow against itself if a competing specialist has priority at the ITS/BBO.[41] By maintaining time priority for quotes at the ITS/BBO, the Commission believes that the BSE's competing specialist program provides an incentive for specialists desiring to attract order flow to enter competitive quotes. Although data collected during the pilot indicates a lack of quote competition presently, the Commission anticipates greater quote competition at the ITS/BBO once Competing Specialists are able to enter their own quotes directly into BEACON. In this regard, the BSE has committed to completing the systems enhancements required to allow the direct entry of quotes by the Competing Specialists within one year of this approval.[42] In addition, as noted above, the program has increased the volume of limit orders. This adds to the depth and liquidity of the BSE market and increases order interaction.

The Commission further believes that the procedures for Competing Specialists are adequate and consistent with the Act. Specifically, Competing Specialists have all of the same rights and obligations of "regular" specialists under the BSE rules and the federal securities laws. In addition, before approving the application for registration as a Competing Specialist, the Exchange will consider the applicant's overall performance evaluation results, financial capability, and adequacy of manpower on the floor. The Commission believes that these criteria are reasonably designed to ensure investor protection.[43]

Finally, the Commission believes it is consistent with the Act for the BSE to remove the restrictions placed on the competing specialist program during the pilot. Specifically, specialists have been prohibited from making cash payments for order flow in those stocks in which they are registered as Competing Specialists. The Commission believed that a limitation on the inducements for preferencing order flow was necessary until the Commission had an opportunity to assess the effects of the CSI pilot. As discussed above, the Commission has assessed the CSI pilot and determined that it is not inconsistent with the Act, nor necessarily, a broker-dealer's obligation to seek best execution. Moreover, lifting the payment for order flow restriction on BSE competing specialists will place them in the same position as the BSE's other members. Accordingly, the

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[37] At a minimum, the Commission would expect the BSE, as with any self-regulatory organization, to conduct regular, comprehensive surveillance of the execution quality provided by its members.

[38] *See* Securities Exchange Act Release No. 34902 (October 27, 1994), 59 FR 55006 (November 2, 1994).

[39] *See* Securities Exchange Act Release No. 36310 (September 29, 1995), 60 FR 52792 (October 10, 1995).

[40] *Id.* The Commission also noted that the availability of sophisticated order handling systems has made it possible for some broker-dealers and market centers to provide an opportunity for price improvement for their customer orders. The use of these efficient routing and execution facilities by firms and exchanges suggest that price improvement procedures and other best execution safeguards in an automated environment are increasingly practicable and are setting new standards for the industry. *See also* Division of Market Regulation, SEC, *Market 2000 An Examination of Current Equity Market Developments,* (January 1994), at Study V.

[41] System enhancements, to be completed within one year, will allow BEACON to automatically route incoming orders that are not executed against the consolidated limit order book directly to the specialist that has time priority at the ITS/BBO. *See supra* notes 14 and 15.

[42] *See supra* note 15. Failure to complete the systems modifications as agreed would raise serious concerns for the Commission regarding whether the conclusions of this order remain valid.

[43] The fourth criteria specified by the Exchange, objection by the regular specialist, will only be used in stocks presenting special handling considerations and cannot be used by regular specialists as a veto to competition. *See supra* note 21.

Commission believes it is appropriate at this time to remove this restriction.

The Commission also is approving the CSI without the restrictions on the number of Competing Specialists permitted in each stock and the number of stocks in which a single Competing Specialist is permitted to compete. These restrictions only were necessary to limit the scope of the pilot program so that the BSE and Commission could evaluate the effects of introducing Competing Specialists on the floor of the Exchange. The Commission has completed such an evaluation and finds no reason to continue the restrictions.

VII. Conclusion

The Commission believes it is consistent with the Act to allow the BSE to implement its competing specialist program on a permanent basis. In making this determination, the Commission carefully evaluated the data provided by the BSE and other sources, and concluded that the CSI is competitively beneficial to the BSE, while not inconsistent with the attainment of best execution of customer orders, the maintenance of fair and orderly markets, or the protection of investors and the public interest.

Nevertheless, Commission approval of the BSE's competing specialist program is not a determination by the Commission that mere default routing by a firm to its affiliated competing specialist is consistent with a firm's best execution obligations. A broker-dealer associated with a competing specialist must still ensure that its order routing decisions are consistent with its best execution obligations and assess periodically the quality of competing markets to assure that order flow is directed to markets providing the most advantageous terms for its customers' orders.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[44] that the proposed rule change (SR–BSE–95–02) is approved.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8398 Filed 4–4–96; 8:45 am]

BILLING CODE 8010–01–M

[44] 15 U.S.C. 78s(b)(2).

[Release No. 34–37046; File No. SR–CSE–95–03]

Self-Regulatory Organizations; The Cincinnati Stock Exchange; Order Granting Approval to Proposed Rule Change to Adopt Permanently Rules Regarding the Preferencing of Public Agency Orders

March 29, 1996.

I. Introduction

On March 1, 1995, The Cincinnati Stock Exchange (''CSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt permanently the Exchange rules governing preferenced trading. On August 11, 1995, the Exchange submitted Amendment No. 1 to the proposed rule change to adopt order handling policies for preferencing dealers.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35448 (March 7, 1995), 60 FR 13493 (March 13, 1995). Amendment No. 1 was published for comment in Securities Exchange Act Release No. 36092 (August 11, 1995), 60 FR 42209 (August 15, 1995). The Commission received 18 comment letters on the proposed rule change, which are discussed below.[3] For the reasons discussed below, the Commission has determined to approve the proposed rule change, as amended.

II. Background

In February 1991, the Commission approved a six month pilot program, referred to as the CSE's Dealer Preferencing Program (''DPP''), to modify the Exchange's priority rules to give CSE Designated Dealers [4] priority over same-priced professional interest when interacting with public agency market and marketable limit orders.[5] Originally, the DPP contained limitations on preferencing dealers, including restricting to 60 the number of stocks each preferencing dealer could trade. Since the inception of the program in 1991, the Commission has approved several extensions of the pilot and increases in the number of stocks each preferencing dealer could trade.[6] Currently, the DPP is approved through March 29, 1996, and each preferencing dealer is permitted to trade up to 350 issues.

The CSE initiated the DPP to provide dealers with the ability to retain and execute their internal order flow at the national best bid or offer, provided that public limit orders at the same price on the CSE book were executed first.[7] In proposing the preferencing program, the Exchange noted that it had attempted to increase business and liquidity by developing the National Securities Trading System (''NSTS''), which electronically interfaces with retail order-delivery systems of CSE members, and had attempted to increase the number of issues traded on the Exchange through the creation of the Designated Dealer category of market makers, which are obligated to guarantee execution of all public agency orders up to 2,099 shares.[8] According to the CSE, however, these efforts had not overcome the lack of incentive in CSE's multiple market maker environment for firms affiliated with CSE dealers to direct their retail order flow to the Exchange. Unlike the specialists affiliated with order flow firms on the other regional exchanges, who generally faced little or no market making competition on their floors, the multiple CSE dealers were subject to losing all or a portion of their public orders to other

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See infra* notes 29 to 33, and note 69.

[4] The term ''Designated Dealer'' is defined by the Exchange as a member who maintains a minimum net capital amount and who has been approved by the CSE's Securities Committee to perform market making functions by entering bids and offers into the Exchange's trading system. *See* CSE Rule 11.9(a)(3). In addition, the Designated Dealer status obligates the dealer to guarantee execution of all public agency market and marketable limit orders up to 2099 shares. For issues in which there are more than one Designated Dealer, this execution guarantee obligation rotates on a daily basis. *See* CSE Rule 11.9(c)(iv) and (v).

[5] *See* Securities Exchange Act Release No. 28866 (February 7, 1991), 56 FR 5854 (February 13, 1991).

[6] *See* Securities Exchange Act Release No. 29524 (August 5, 1991), 56 FR 38160 (August 12, 1991) (extending pilot through February 7, 1992); Securities Exchange Act Release No. 30353 (February 7, 1992), 57 FR 5918 (February 18, 1992) (increasing number of stocks to 125 and extending pilot through August 7, 1992); Securities Exchange Act Release No. 30809 (June 15, 1992), 57 FR 27990 (June 7, 1992) (increasing number of stocks to 250); Securities Exchange Act Release No. 31011 (August 7, 1992), 57 FR 38704 (August 26, 1992) (extending pilot through May 7, 1993 and increasing number of stocks to 350); Securities Exchange Act Release No. 32280 (May 7, 1993), 58 FR 28424 (May 13, 1993) (extending pilot through May 7, 1994); Securities Exchange Act Release No. 33975 (April 28, 1994), 59 FR 23242 (May 5, 1994) (extending pilot through August 6, 1994); Securities Exchange Act Release No. 34493 (August 5, 1994), 59 FR 41531 (August 12, 1994) (extending pilot through May 18, 1995); Securities Exchange Act Release No. 35717 (May 15, 1995), 60 FR 26909 (May 19, 1995) (extending pilot through October 2, 1995); and Securities Exchange Act Release No. 36324 (September 29, 1995), 60 FR 52436 (October 6, 1995) (extending pilot through March 29, 1996).

[7] *See* Securities Exchange Act Release No. 28866, *supra* note 5.

[8] T3Id.

market makers on the Exchange.[9] Thus, the CSE believed that altering the priority rules between professional trading interests was necessary to bring the CSE dealers on par with other regional specialists and consequently attract retail order flow and enhance liquidity and efficiency on the Exchange. At the same time, the CSE continued to protect customer orders on the Exchange's central limit order book by requiring that such limit orders be satisfied before a dealer could internalize same-priced customer orders and by ensuring that internalized orders be executed at no worse than the national best bid or offer.[10]

In approving the initial pilot program, the Commission stated that the proposal addressed the CSE's legitimate desire to attract additional business to the Exchange, while at the same time providing adequate protection for public agency orders placed on the Exchange's central limit order book.[11] The Commission noted that the CSE combines features of both exchange and over-the-counter markets.[12]

During the course of the DPP pilot the Commission has been considering whether preferencing and the increasing internalization of order flow, and practices such as payment for order flow, are consistent with a broker-dealer's duty to seek best execution for customer orders. Consistent with its consideration of payment for order flow and best execution, the Commission requested that the CSE start providing data to show the effects of preferencing on the quality of order execution and market making on the CSE.[13] At the same time, the Commission approved, on a pilot basis, a competing specialist program on the Boston Stock Exchange (''BSE''), which also raised issues regarding internalization of order flow.[14]

In addition, in October 1994, the Commission adopted rules concerning the disclosure of payment for order flow practices and the order routing arrangements of broker-dealers receiving payment for order flow.[15] The Commission noted that not all market centers expose market orders to other order flow or provide an opportunity for price improvement for market orders. While price improvement was not the exclusive factor for determining whether a broker-dealer was fulfilling its duty to seek best execution, the Commission believed it important to the inquiry, particularly when payment was received by the broker-dealer, or when the broker-dealer internalized orders or routed orders to affiliates.[16]

III. Description

The Exchange requests permanent approval of its DPP. In conjunction with its permanent approval request, the CSE also seeks approval of rule changes implementing new order handling policies for the purpose of increasing order exposure and ensuring the timely execution and display of limit orders on the CSE.

A. Dealer Preferencing

The preferencing program permits CSE dealers to retain and execute their internal order flow at the prevailing ITS best bid or offer (''ITS/BBO''), provided that there are no public agency limit orders on the Exchange's central limit order book at that price or better. To this end, the preferencing program permits CSE dealers to internalize order flow by eliminating time priority between CSE dealers, thereby enabling preferencing dealers to interact with public market and marketable limit orders they represent as agent. Specifically, the preferencing program gives preferencing dealers priority over professional agency or principal orders entered prior in time when interacting with a public order it represents as agent.[17] The dealer may interact with such orders either by (1) taking the contra-side of the trade as principal (''paired order trade''), or (2) crossing the order with another customer order it represents as agent (''agency cross'').[18]

For example, if dealer A on the CSE is quoting at the ITS/BBO, dealer B can still internalize its order flow (even if it is not quoting at the ITS/BBO) so long as dealer B executes the order at the ITS/BBO (or better) and there is no contra-side public agency order on the CSE's central limit order book at that price. If there is a public agency limit order on the CSE's book with priority, however, NSTS will automatically break the paired order trade and match the incoming public agency order with the public limit order on the CSE's book.[19]

As noted above, in approving the initial DPP pilot, and subsequent extensions and expansions, the Commission imposed certain limitations and requirements on its operation. These conditions currently limit the number of issues in which a preferencing dealer may be registered to 350; prohibit preferenced trading for index arbitrage purposes when certain ''circuit breakers'' are in effect;[20] and prohibit a dealer from making cash payments for preferenced order flow. In connection with its request for permanent approval of the DPP, the Exchange requests that the Commission remove the limitation on the number of stocks preferencing dealers may trade and the prohibition on cash payments for order flow.

B. Order Handling Policies for Preferencing Dealers

The CSE also seeks approval for three rule changes related to the handling of customer orders on the Exchange. Generally, these requirements are designed to increase order exposure and ensure the timely execution and display of limit orders held by CSE dealers.

First, the Exchange proposes to adopt Interpretation and Policy .01 to CSE Rule 11.9(u) regarding price improvement of certain market orders. This policy would require that, in greater than minimum variation markets, a preferencing dealer

[9] *Id.*

[10] *Id.*

[11] *Id.*

[12] *Id.* To this end, the Commission described the CSE as ''unique among U.S. stock exchanges in that it is totally automated and utilizes a competing market maker system.''

[13] *See* Securities Exchange Act Release No. 34493, *supra* note 6. Specifically, the Commission requested that the CSE demonstrate that preferencing added depth and liquidity to the CSE market, and improved quotations. The Commission stated that if the CSE could not make such a showing, the Commission would not be inclined to extend the preferencing program. Accordingly, the CSE submitted several reports and letters containing data that it believes makes the required showing. *See infra* note 36.

[14] *See* Securities Exchange Act Release No. 34078 (May 18, 1994), 59 FR 27082 (May 25, 1994). Unlike the CSE program, the BSE competing specialist program does not alter time priority among competing specialists quoting at the intermarket best bid or offer.

[15] *See* Securities Exchange Act Release No. 34902 (October 27, 1994), 59 FR 55006 (November 2, 1994).

[16] The Commission also is currently considering comment received regarding a series of order handling rules it proposed last September. *See* Securities Exchange Act Release No. 36310 (September 29, 1995), 60 FR 52792 (October 10, 1995).

[17] *See* CSE Rule 11.9(u).

[18] The majority of agency crosses are the result of a limit order resident in the dealer's proprietary system at the ITS/BBO, which is matched with an incoming contra-side market order. For example, if the ITS/BBO is 20 bid—20⅛ asked, and a dealer has a limit order to buy at 20, an incoming market sell order will be matched with that limit order because the dealer may not trade for its own account ahead of its own customer limit order. *See* CSE Rule 12.6(b).

[19] If there is a public agency order on the CSE's book, the system rejects the dealer's principal side of the attempted cross or, in the case of an attempted public agency cross, rejects the agency order that is on the same side of the market as the pre-existing order on the book.

[20] Specifically, the index arbitrage restriction permits preferencing dealers to preference their customer order flow that is related to index arbitrage only on plus or zero plus ticks when the Dow Jones Industrial Average (''DJIA'') declines by fifty points or more from the previous day's closing value. *See* Securities Exchange Act Release No. 28866, *supra* note 5.

immediately execute market orders routed to him or her for execution on the CSE at an improved price or expose the orders on the Exchange for a minimum of thirty seconds to give other market participants an opportunity to provide an improved price.[21] A preferencing dealer may expose a market order by representing the orders at an improved price in his or her CSE quote, or by placing the order on the CSE's central limit order book at an improved price.[22] This requirement, however, will not be imposed upon members during unusual market conditions or if such action would not be in the best interest of the customer.[23]

Second, the Exchange proposes to adopt Interpretation and Policy .02 to CSE Rule 11.9(u) regarding public agency limit order protection. Under this policy, a public agency limit order routed to a CSE dealer for execution on the CSE would be filled if (i) the bid or offer at the limit price has been exhausted in the primary market; (ii) there has been a price penetration of the limit order in the primary market; or (iii) the issue is trading at the limit price on the primary market unless it can be demonstrated that such order would not have been executed if it had been transmitteed to the primary market or the customer and the Designated Dealer agree to a specific volume related or other criteria for requiring execution of limit orders.[24] This policy is designed to ensure that limit orders routed to CSE dealers for execution on the CSE receive timely executions relative to same-priced limits orders on the primary markets, and is therefore referred to as ''primary market print protection.'' [25]

Finally, the Exchange proposes to amend Interpretation and Policy .01 to CSE Rule 12.10 regarding the handling of public agency limit orders priced either at or between the ITS/BBO. The policy currently requires that a CSE dealer display all or a representative portion of such orders in the national market system unless the order is executed immediately or the customer requests that it not be displayed.[26] Under the amended rule, a CSE dealer must display on the CSE all or a representative portion of public limit orders that he or she represents as agent for execution on the CSE, unless the order is executed immediately or the customer requests that it not be displayed.[27] A dealer may satisfy this requirement by representing limit orders in his or her CSE quote, or by placing the agency orders (or a representative portion) on the CSE's central limit order book.[28] In addition, if a representative portion of an order is executed, the CSE dealer must display all or a representative portion of the remainder of the order until the order is filled in its entirety.

IV. Summary of Comments

The Commission received 18 comment letters from a total of 13 commenters. Eleven of the commenters opposed the DPP and requested that the Commission disapprove the CSE's request for permanent approval of the program. The Commission received comment letters from the New York Stock Exchange (''NYSE''),[29] Boston Stock Exchange (''BSE''),[30] American Stock Exchange (''Amex''),[31] and The Specialist Association,[32] as well as from other interested parties.[33] The commenters that opposed the continuation of preferencing generally raised similar concerns regarding the practice of preferencing. As discussed below, these commenters asserted that preferencing, and the resulting internalization of order flow (1) decreases order interaction on the CSE, which negatively affects order execution quality, and (2) detrimentally affects the quality of the CSE market and the broader market.[34] In addition, the NYSE

[21] When exposing a market order on the Exchange for price improvement, a dealer stops the order to guarantee that the customer receives the then current best market price in the event that the order does not receive price improvement. The Commission has proposed a rule requiring that all market orders receive an opportunity for price improvement. *See* Securities Exchange Act Release No. 36310, *supra* note 16. The CSE order exposure policy would be superseded by any final rule adopted by the Commission to the extent that the Commission's rule imposed greater obligations on market participants.

[22] A dealer that represents an order in its CSE quote does not enter a public agency order into NSTS. Thus, representing an order in the dealer's quote would not result in the order being automatically matched with other orders in NSTS, such as with paired order trades entered by CSE preferencing dealers. However, if the customer limit order is at a price that is better than the ITS/BBO, inclusion in the CSE dealer's quote will narrow the market in that security.

[23] This provision is intended to apply to unusual market conditions (*e.g.,* fast moving markets) and situations where it would be inconsistent with a preferencing dealer's best execution duty to expose the order. Conversation between David Colker, Executive Vice President and Chief Operating Officer, CSE, and N. Amy Bilbija, SEC, on August 14, 1995.

[24] In unusual trading situations, a Designed Dealer may seek relief from these requirements from two Trading Practices Committee members or a designated member of the Exchange staff who would have the authority to set execution parameters.

[25] The Commission notes that the Chicago Stock Exchange and Boston Stock Exchange currently have nearly identical primary market print protection policies. *See* CHX Rules, Article XX, Rule 37(a); and BSE Rules, Chapter II, Section 33, Interpretations and Policies .01.

[26] The Commission also has proposed a similar limit order display rule for all markets. Accordingly, the CSE limit order display policy would be superseded by any final rule adopted by the Commission to the extent that the Commission's rule imposed greater obligations on market participants. *See* Securities Exchange Act Release No. 36310, *supra* note 16.

[27] If the limit order is for 500 shares or fewer, a dealer must display the entire order. If the limit order is for more than 500 shares, a dealer must display at least 500 shares, but is not required to display the entire order. Conversation between David Colker, Executive Vice President and Chief Operating Officer, CSE, and N. Amy Bilbija, SEC, on August 14, 1995. The Commission notes that the rule applies to all CSE dealers, not only preferencing dealers.

[28] *See supra* note 22.

[29] *See* letters from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan Katz, Secretary, SEC, dated March 16, 1995 (''NYSE Letter No. 1''); Daniel Park Odell, Assistant Secretary, NYSE, to Jonathan Katz, Secretary, SEC, dated April 5, 1995 (''NYSE Letter No. 2''); and James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, SEC, dated September 5, 1995 (''NYSE Letter No. 3''). In addition, the NYSE submitted several comment letters regarding prior extensions of the CSE's preferencing program.

[30] *See* letter from John Fitzgerald, Executive Vice President, BSE, to Howard Kramer, Associate Director, Division of Market Regulation, SEC, dated March 24, 1995 (''BSE Letter'').

[31] *See* letter from James Duffy, Executive Vice President and General Counsel, Amex, to Jonathan Katz, Secretary, SEC, dated April 20, 1995 (''Amex Letter'')

[32] *See* letters from David Humphreville, Executive Director, The Specialist Association, to Jonathan Katz, Secretary, SEC, dated April 3, 1995 (''Specialist Association Letter No. 1''); and July 27, 1995 (''Specialist Association Letter No. 2'').

[33] *See* letter from The Honorable Thomas J. Bliley, Jr., Chairman, Committee on Commerce, U.S. House of Representatives, and The Honorable Jack Fields, Chairman, Subcommittee on Telecommunications and Finance, U.S. House of Representatives, to Arthur Levitt, Jr., Chairman, SEC, dated July 6, 1995 (supporting a disclosure approach to regulation of broker order routing practices); letter from The Honorable Alfonse M. D'Amato, Chairman, Committee on Banking Housing and Urban Affairs, United States Senate, to Arthur Levitt, Jr., Chairman, SEC, dated July 17, 1995 (opposing preferencing); letter from The Honorable John D. Dingell, Ranking Member, Committee on Commerce, U.S. House of Representatives, to Arthur Levitt, Jr., Chairman, SEC, dated June 28, 1995 (''Dingell Letter'') (opposing preferencing); letter from The Honorable Dan Frisa, U.S. House of Representatives, to Arthur Levitt, Jr., Chairman, SEC, dated August 9, 1995 (opposing preferncing); letters from Paula Gavin, Chair, NYSE Individual Investors Advisory Council, to Arthur Levitt, Jr., Chairman, SEC, dated July 17, 1995, and October 2, 1995 (opposing preferencing); letter from Thomas E. O'Hara, Chairman, Board of Trustees, National Association of Investors Corporation, to Arthur Levitt, Jr., Chairman, SEC, dated September 20, 1995 (opposing preferencing); letter from Wayne F. Haefer, to Arthur Levitt, Jr., Chairman, SEC, dated September 20, 1995 (opposing preferencing); and letter from Bruce B. Johnson, for Otten, Johnson, Robinson, Neff & Ragonetti, P.C., to Arthur Levitt, Jr., Chairman, SEC, dated October 5, 1995 (opposing preferencing).

[34] The NYSE attempted to evaluate preferencing by constructing a program, using data from the Consolidated Tape (''CT''), Consolidated Quotation System (''CQS''), and ITS, to identify paired order trades (''POTs'') occurring on the CSE. A POT was defined as a trade printed on the CSE that was not the result of interaction with the existing CSE quote, *e.g.,* not a trade between two distinct CSE

commented on the CSE's proposed order handling policies.[35] The CSE submitted several letters in response to the comments and provided data requested by the Commission.[36]

A. Order Execution Quality

Several commenters asserted that the alteration of priority rules to facilitate internalization discourages interaction between dealers and among customer orders in the CSE market.[37] Specifically, commenters stated that preferencing discourages interdealer competition on the CSE and, as a result, the CSE functions as a mere facility by which its members can receive a print for an exchange execution for internalized trades.[38] The NYSE asserted that, as a result of preferencing, there are multiple proprietary trading systems within the CSE market wherein CSE members can internalize order flow with minimal probability of that order flow interacting with the orders of other CSE members.[39] In response, the CSE indicated that an average of 8,000 trades per month result from interaction between CSE dealers.[40] In addition, the CSE believes interdealer activity has been increasing due to efforts by the Exchange to encourage quote competition among its dealers.[41]

Commenters asserted that because preferencing provides a disincentive for interdealer competition, customer orders are denied the opportunity to interact with other trading interest in the market.[42] Several commenters further stated that preferencing undermines the proper price discovery and market transparency functions of the agency auction market and makes best execution of customer orders less likely.[43] In this regard, commenters asserted that preferencing makes it more profitable for dealers to internalize orders by maintaining limit orders on their internal proprietary systems until they become marketable, rather than placing them on the Exchange's central limit order book where they would be displayed and have an opportunity to interact with other customer orders.[44] In addition, commenters charged that because orders on the CSE's central limit order book must be satisfied before a dealer can internalize orders at the same price, it is to the advantage of dealers that seek to internalize customer order flow to discourage the placing of limit orders on the CSE's book.[45] As a result, the commenters maintained that there are relatively few, if any, limit orders sent to the CSE's book.[46]

The CSE stated that is has encouraged dealers to place limit orders on the NSTS book, but that no exchange has the authority to dictate firm order handling practices by requiring that firms place their limit orders in the exchange's book.[47] The NYSE believes, however, that while the CSE lacks the authority to dictate that its preferencing dealers enter limit orders on the CSE, the CSE could require firms to route a mix of order types to CSE preferencing dealers.[48]

With respect to market order exposure, the CSE maintained that the rate of price improvement on the Exchange compares favorably to other exchanges. The CSE asserted that 59% of CSE executions in greater than minimum variation markets were printed between the ITS/BBO in the fourth quarter of 1995, and that an additional 4% of the orders received price improvement after being exposed at prices that narrowed the ITS/BBO.[49] The NYSE asserted that the CSE does not compare favorably to the other exchanges and reported that only approximately 45% of the executions on CSE occur between the ITS/BBO.[50] Finally, the NYSE noted that the CSE is the only exchange that does not have rules requiring members, when trading as principal with an agency order, to publicly cross the order in the market and quote the agency order 1/8 better so as to permit other members to improve the price.[51]

B. Market Quality

Several commenters asserted that the Commission should not permanently approve the DPP because the CSE has not demonstrated that preferencing results in added depth and liquidity to its market, nor improved quotations.[52]

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members. The NYSE included analysis for five consecutive trading days in March 1995. *See* NYSE Letter No. 2, *supra* note 29.

[35] *See* NYSE Letter No. 3, *supra* note 29.

[36] *See* letters from David Colker, Executive Vice President and Chief Operating Officer, CSE, to Arthur Levitt, Jr., Chairman, SEC, dated January 18, 1995 (''CSE Letter No. 1''); Jonathan Katz, Secretary, SEC, dated April 26, 1995 (''CSE Letter No. 2''), and June 14, 1995 (''CSE Letter No. 3''); Brandon Becker, Director, Division of Market Regulation, SEC, dated June 19, 1995 (''CSE Letter No. 4''); Richard Lindsey, Director, Division of Market Regulation, SEC, dated January 31, 1996 (''CSE Letter No. 5'').

[37] *See* NYSE Letter No. 2, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31; and Specialist Association Letters Nos. 1 and 2, *supra* note 32.

[38] *See* NYSE Letters Nos. 2 and 3, *supra* note 29; and Specialist Association Letter No. 2, *supra* note 31. The NYSE claimed that a total of 87.7% of CSE executions were POTs. Further, the NYSE asserted that in a subset of securities in which there were only preferencing dealers, 94.2% of all trades were POTs. The NYSE asserted that only 4.8% of CSE trades could be characterized as trades between CSE dealers.

[39] *See* NYSE Letter No. 2, *supra* note 29.

[40] *See* CSE Letter No. 1, *supra* note 36.

[41] *Id.* In January 1994, the Exchange proposed quoting parameters that would require dealers to maintain quotation spreads that are no wider than 125% of the three narrowest ITS quotations. As a result, in some circumstances, dealers would be required to maintain quotes that match at least one side of the ITS/BBO. In addition, the Exchange proposed to prohibit the use of computer-generated quotations that track the primary market quotation. Although the rule proposal has not yet been approved by the Commission, the CSE maintains that many of its dealers began to comply with these quoting policies voluntarily in January 1994. *See* File No. SR–CSE–95–01.

[42] *See* NYSE Letter No. 2, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31; and Specialist Association Letters Nos. 1 and 2, *supra* note 32. *See also* comment letters cited *supra* note 33 that opposed preferencing

[43] *See* Amex Letter, *supra* note 31; and Specialist Association Letters No. 1, *supra* note 32. *See also* comment letters cited *supra* note 33 that oppose preferencing.

[44] *See* NYSE Letter No. 2, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31; and Specialist Association Letters Nos. 1 and 2, *supra* note 32.

[45] *See* NYSE Letter No. 2, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31.

[46] *Id.*

[47] The CSE reported that in the first quarter of 1995, 2104 preferenced orders interacted with pre-existing public agency limit orders on the CSE's book. *See* CSE Letter No. 4, *supra* note 36. The CSE reported that in the fourth quarter of 1995, 4802 preferenced orders interacted with agency limit orders on the CSE's book. *See* CSE Letter No. 5, *supra* note 36. As described above, the CSE is proposing to require dealers to display their limit orders by either placing the orders on the Exchange's central limit order book, or representing the orders in their CSE quote.

[48] The NYSE states as an example that the CSE could require dealers to route the same ratio of market orders and limit orders to the CSE. *See* NYSE Letter No. 2, *supra* note 29.

[49] *See* CSE Letter No. 5, *supra* note 36. In addition, the CSE reported that for the first quarter of 1995, 57% of CSE executions in greater than minimum variation markets were executed between the ITS/BBO, and that an additional 3% of the orders received price improvement after being exposed at prices that narrowed the ITS/BBO. *See* CSE Letter No. 4, *supra* note 36.

[50] *See* NYSE Letter No. 2, *supra* note 29. Based on its own analysis, the NYSE asserted that during the month of December 1994, CSE's rate of price improvement was 48.7% in 1/4 point markets, 48% in 3/8 point markets, and 37.7% in 1/2 point markets. The NYSE also stated that, contrary to the CSE's contention, price improvement is possible in minimum variation markets and that 17.6% of NYSE SuperDot market orders receive price improvement in 1/8 point markets. *Id.* The BSE also measures price improvement in minimum variation markets, and maintains that it provides price improvement approximately 4% of the time when the ITS/BBO spread is 1/8 point. *See* BSE Letter, *supra* note 30.

[51] *See* NYSE Letter No. 2, *supra* note 29. As described above, the CSE is proposing to require dealers to either execute market orders in greater than minimum variation markets between the spread, or expose the orders for 30 seconds to give other market participants an opportunity to provide price improvement.

[52] *See* NYSE Letters Nos. 2 and 3, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31; Specialist Association Letters Nos. 1 and 2, *supra* note 32; and Dingell Letter, *supra* note 33. The commenters note that the Commission

Continued

The NYSE and BSE asserted that the existence of preferencing dealers in an issue actually diminishes the quality of the CSE quotes.[53] In evaluating whether preferencing dealers add to the quality of the CSE market, the NYSE believes that preferenced trade activity should not be considered.[54] Rather, the NYSE believes that the measure of a preferencing dealer's contribution to the market is whether it maintains quotations and handles order flow that interacts with other CSE members and market participants.[55] As discussed above, the NYSE estimated that approximately 88% of CSE trades are executed without interaction between CSE members.[56] In addition, the NYSE believes that ITS inbound activity is an indication of competitive quoting, in that quotes at the ITS/BBO draw orders to trade on the CSE from other markets. In this regard, the NYSE asserted that the percentage of CSE trades in a stock involving orders from other market participants (*i.e.,* ITS inbound activity) decreased as the number of preferencing dealers in an issue increased.[57] Similarly, the BSE argued that the percentage of ITS inbound activity attributable to preferencing dealers should be higher in proportion to the number of trades and shares they execute on the CSE.[58]

The CSE maintained that preferencing dealers add depth and liquidity to the market through quotes at the ITS/BBO. In its initial report, the CSE analyzed its average quote spread, average quote size, the relation of CSE quotes to the ITS/BBO, total trade activity, ITS inbound trade activity, and customer order price improvement.[59] In every category the CSE reported that its performance either equaled or exceeded the other regional exchanges.[60] Several commenters noted that the CSE's data included all dealers on the CSE and asserted that inclusion of non-preferencing dealers improved the overall results.[61] In response, the CSE submitted an analysis that isolated the trading activity of preferencing dealers in the above categories, and reported that their performance also equaled or exceeded the other regional exchanges.[62] Most recently, the CSE reported that 71% of the CSE's quotations match at least one side of the ITS/BBO,[63] and that the CSE was responsible for generating 6% of all quotes that established a new ITS/BBO.[64]

Several commenters asserted, however, that any liquidity that may be provided by the CSE is artificial due to the inaccessibility of the CSE's quotes.[65] Commenters charged that CSE quotes change too quickly for other market participants to have a meaningful opportunity to send ITS orders to the CSE.[66] Commenters believe that the rapid quote changes are caused by a combination of multiple dealers in the single market and the use by some CSE dealers of automated systems that generate quotations.[67] The CSE maintained, however, that its cancellation rate is not increased by computer-generated quotations, and that 87% of quote changes that result in cancellations are displayed to other market participants for over one minute.[68]

Finally, the Commission received two preliminary drafts of an academic paper from Indiana University that studies the short term effects of preferencing on market quality ("IU Study").[69] The IU Study looked for potential shifts in market share, bid/ask spreads, and liquidity premiums[70] for 256 securities that the authors believed were preferenced during the entire pilot (1991–1995). The IU Study's preliminary results indicated that, while internalization results in significant volume redistribution, the preferencing program does not appear to have had an adverse effect on the measures of market quality.[71] The IU study noted, however,

requested that the CSE demonstrate that preferencing added depth and liquidity to its market, improved quotations, and generally had a beneficial competitive effect on the national market system. *See* Securities Exchange Act Release No. 34493, *supra* note 6.

[53] *See* NYSE Letter No. 2, *supra* note 29; and BSE Letter, *supra* note 30.

[54] The CSE maintains, however, that the preferencing program has provided additional depth and liquidity for a substantial amount of public order flow, and that it is therefore appropriate for the Commission to include preferenced trade activity in its analysis. *See* CSE Letter No. 3, *supra* note 36.

[55] *See* NYSE Letter No. 2, *supra* note 29. *See also* BSE Letter, *supra* note 30 (asserting that CSE dealers do not trade at their displayed quotes); and *infra* note 60.

[56] *See* NYSE Letter No. 2, *supra* note 29. The NYSE maintained that for stocks in which there were only preferencing dealers, 94% of the trades were POTs. The NYSE asserted that this data evidenced that the CSE is being used by its members as a printing mechanism for their own pre-arranged trades.

[57] The NYSE reported that, as a percentage of total trades, ITS inbound trades were 5.8% for stocks with one preferencing dealer, 3.8% for stocks with two preferencing dealers, and 2.5% for stocks with three preferencing dealers. In contrast, the NYSE reported that in stocks with both preferencing and non-preferencing dealers ITS inbound trades were 7.7% of total trades. The NYSE also asserted that a single non-preferencing CSE dealer had more ITS inbound activity than the combined total of the 9 preferencing dealers during the week studied. *See* NYSE Letter No. 2, *supra* note 29.

[58] *See* BSE Letter, *supra* note 30.

[59] *See* CSE Letter No. 1, *supra* note 36.

[60] *See id.* The BSE noted that the CSE's data showed that the BSE's average size for quotes at the ITS/BBO (1,325 shares) far exceeded that of the CSE (700 shares). While the CSE data also indicated that the BSE only quotes at the ITS/BBO 5% of the time compared to approximately 71% for the CSE, the BSE asserts that CSE dealers do not trade at their quotes and that the size of CSE quotes is therefore meaningless. *See* BSE Letter, *supra* note 30.

[61] *See* NYSE Letter No. 2, *supra* note 29; and BSE Letter, *supra* note 30.

[62] *See* CSE Letter No. 3, *supra* note 36. The CSE reported that for a subset of 237 stocks in which there were only preferencing dealers (1) the average quotation spread was ¼ point, which the CSE reported was narrower than any other regional exchange, (2) 60% of their quotes matched one or both sides of the ITS/BBO, while none of the other exchanges exceeded 30%; and (3) the CSE generated 4% of all quotes that established a new ITS/BBO, which exceeded the performance of all other regional exchanges. The CSE also asserted that it had the highest average quote size (700 shares) of any regional stock exchange in the 237 stocks. The CSE asserted that the depth provided by preferencing specialists when their quotes establish or match the ITS/BBO actually contributed more depth to the national market than all the other regional exchanges when viewed in conjunction with the lower rates at which the regional exchanges quote at the ITS/BBO. The CSE also maintained that preferencing dealers executed almost half of all ITS inbound activity in those issues that have at least one preferencing dealer, and that preferencing dealers' ITS/total trade ratio of 3.5% compared favorably to the NYSE's ITS/total trade ratio of 2.8%.

[63] *See* CSE Letter No. 5, *supra* note 36 (data from fourth quarter 1995). The CSE reported that in the first quarter of 1995 73% of the CSE quotes matched at least one side of the ITS/BBO. *See* CSE Letter No. 4, *supra* note 36.

[64] *See* CSE Letters No. 4 and 5, *supra* note 36.

[65] *See* NYSE Letter No. 1, *supra* note 29; BSE Letter, *supra* note 30; Amex Letter, *supra* note 31; and Specialist Association Letter No. 1, *supra* note 32.

[66] *See* NYSE Letter Nos. 1 and 2, *supra* note 29; BSE Letter, *supra* note 26 (incorporating by reference letter from John I. Fitzgerald, Executive Vice President, BSE, to Jonathan G. Katz, Secretary, SEC, dated April 29, 1994); and Amex Letter, *supra* note 31.

[67] *Id.*

[68] The CSE analyzed 2,626 CSE ITS cancellations that occurred on eight randomly chosen trading days between August 4, 1994, and January 13, 1995. The CSE concluded that, of the total cancellations analyzed, 4% were caused by erroneous pricing, 9% were the result of "fishing," and 22% were the result of stock having traded prior to receipt of the ITS commitment. The remaining cancellations were due to the CSE's quote changing before the commitment to trade was received by the CSE system. In this regard, the CSE asserts that 87% of the quotes that changed prior to receipt of ITS commitments to trade had been displayed for more than one minute, and more than 50% of these quotes had been displayed for over five minutes. *See* CSE Letter No. 2, *supra* note 36.

[69] *See* letter from Robert Jennings, Faculty Fellow and Professor of Finance, Indiana University School of Business, to Jonathan Katz, Secretary, SEC, dated June 30, 1995; and letter from Robert Battalio, Assistant Professor, University of Notre Dame, to Jonathan G. Katz, Secretary, SEC, dated March 6, 1996.

[70] The liquidity premium measures the closeness of transaction prices to the mid-point of the quotation spread. Thus, a decrease in the liquidity premium indicates that transaction prices have moved closer to the mid-point of the spread.

[71] Although the IU Study found that spreads and liquidity premiums decreased, because of the long time intervals involved, the study noted that it could not rule out a general decreasing trend in these measures.

that to the extent that retail brokers internalizing trades reduce (or even eliminate) commissions, investor welfare is improved.

In this regard, the CSE asserted that its efficient electronic environment, coupled with the ability of member firms to become specialists in a larger number of desirable stocks than is feasible on other exchanges, results in cost efficiencies that flow through to customers.[72] Some commenters, however, maintained that there is no evidence to indicate that the purported efficiencies from internalization are passed along to the CSE dealers' customers.[73]

C. Order Handling Policies for Preferencing Dealers

As described above, the CSE also proposed policies regarding order exposure and limit order protection for preferencing dealers. The NYSE criticized the order exposure portion of the proposed order handling policies, and stated that these policies will not provide meaningful benefits to investors or to the market in general. Specifically, the NYSE maintained that the proposed order exposure requirement will affect as few as 8% of preferenced orders.[74] The NYSE further asserted that, while some customer orders may receive price improvement as a result of the policy, preferencing dealers will continue to have an opportunity to trade against the order at the improved price, negating the opportunity for two customer orders to meet without dealer intervention. The NYSE also asserted that even if CSE dealers expose orders for 30 seconds, the short duration of the exposure is unlikely to provide other market participants sufficient time to trade with those orders.[75]

V. Commission Data

As discussed above, the Commission received substantial data from commenters and the CSE. The various studies result in differing conclusions regarding the quality of executions achieved on the CSE by preferencing dealers, as well as the quality of the CSE market. In response to the differing assertions made by the commenters and the CSE, the Commission's Office of Economic Analysis (''OEA'') evaluated CSE quotations and transactions. In considering the CSE trade and quotation data, the OEA distinguished between the trading activity of preferencing versus non-preferencing dealers.

During the period considered, preferencing dealers accounted for more than 90% of trades and two-thirds of share volume on the CSE. The 281 stocks where preferencing dealers accounted for 80% to 99% of total CSE trades were the most actively traded stocks on the CSE.

The data analyzed by the OEA also showed that CSE preferencing dealers often matched the NYSE BBO, and that the percentage of time that the CSE quotes matched those on the NYSE was greatest for those stocks in which preferencing takes place. Specifically, for the 281 stocks in which preferencing dealers accounted for 80% to 99% of total CSE trades, the CSE quote on average matched the NYSE best bid approximately 54% of the time and the NYSE best offer nearly 61% of the time. When matching at least one side of the ITS/BBO, the CSE's quotation depth in these 281 stocks averaged over 720 shares. For all quotes in the 281 stocks, the CSE quotation depth averaged close to 900 shares.

VI. Discussion

The Commission has considered carefully the issues presented by the CSE's preferencing program, including its potential effects on the execution of customer orders, competition between markets, and CSE market quality. In particular, the Commission considered carefully the commenters' concerns regarding the alteration of time priority, the lack of order interaction on the CSE, and the impact on public customers and the quality of the CSE market. Similarly, the Commission has reviewed the CSE's findings that the DPP has increased the CSE's market share without affecting the quality of its markets or execution of customer orders.

The DPP has proven to be a competitive benefit to the CSE. In addition, after analyzing substantial data provided by the CSE and commenters, as well as conducting its own data collection and examination, the Commission believes that the DPP also has improved CSE quotations, and has added to the depth and liquidity of the CSE market. In addition, the Commission believes that the DPP, as supplemented by the adoption of policies related to the handling of customer orders, is not necessarily inconsistent with best execution of customer orders. For these reasons, discussed more fully below, the Commission believes that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[76] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade and to perfect the mechanism of a free and open market and a national market system and to protect investors and the public interest. The DPP, as amended, also is consistent with Section 11A of the Act,[77] which generally promotes, among other things, the development of a national market system for securities to assure economically efficient execution of securities transactions and fair competition among brokers and dealers, among exchange markets and markets other than exchange markets.

The Commission supports efforts by exchanges to provide increased liquidity and competition on their trading floors or trading systems. Such efforts can enhance market quality and enable exchanges to compete more effectively for order flow. The CSE's preferencing program was designed to attract more market making and order flow to the Exchange, and it is apparent from the data that the DPP has led to a substantial increase in the CSE's trading volume.[78] At the same time, the Commission has been very concerned about the market structure issues presented by internalization of order flow and its potential effect on the handling of customer orders and the ability of broker-dealers to fulfil their duty to seek best execution of customer orders. Accordingly, in scrutinizing the CSE's preferencing pilot, including the numerous comment letters, the Commission has considered, among other things, preferencing's effect on achievement of economically efficient execution of securities transactions, fair competition among brokers and dealers

[72] *See* CSE Letter No. 1, *supra* note 36.

[73] *See* NYSE Letter No. 2, *supra* note 29; and BSE Letter, *supra* note 30. The Specialist Association cites to a draft article by professors Huang and Stoll of the Owen Graduate School of Management that concludes that internalization and preferencing in the over-the-counter market limit the incentive of market participants to narrow spreads, with the result that Nasdaq execution costs are twice NYSE costs. The Specialist Association concludes that the same result occurs on the CSE. *See* Specialist Association Letter 2, *supra* note 32 (*citing* Huang and Stoll, *Dealer Auction Markets: A Pencil Comparison of Execution Costs on NASDAQ and the NYSE* (June 6, 1995) (draft article)).

[74] The NYSE states that only approximately 15% of preferenced trades occur in markets with a quotation spread that is greater than the minimum variation, and that according to the CSE, dealers already trade between the ITS/BBO 55% of the time. Thus, NYSE concludes that the order exposure rule would apply to only 8% of the order handled by preferencing dealers. *See* NYSE Letter No. 3, *Supra* note 29.

[75] The NYSE believes that the 30 seconds mandated for order exposure could lead to an increase in the CSE's ITS cancellation rate. *Id.*

[76] 15 U.S.C. § 78f(b).

[77] 15 U.S.C. § 78k–1.

[78] *See* CSE Letters, *supra* note 36.

and among exchange markets, as well as the practicability of brokers executing investors' orders in the best market.

Although preferencing enables CSE dealers to internalize order flow, the CSE's unique system is not necessarily inconsistent with a broker-dealer's duty to seek best execution of customer orders.[79] Dealers preference their customer order flow on the CSE by matching themselves with a customer order and sending a paired trade priced at or between the ITS/BBO to NSTS for execution. Upon receiving the paired order, NSTS replaces the preferencing dealer's side of the trade if there are any public agency orders at the same price on the CSE's central limit order book. If there are no such public agency orders, the paired trade is executed, regardless of dealer quotes resident in the system. In this manner, the preferencing program protects customer limit orders entered into NSTS while permitting broker-dealers to retain their own customer order flow where those orders would have otherwise been executed by another broker-dealer. Accordingly, preferencing alters the pre-existing CSE time priority rule that determines which broker-dealer is entitled to execute a customer order in favor of the broker-dealer that brought the order flow to the CSE.

Several commenters express concern, however, that the ability of dealers to maintain and execute their order flow without interruption from other professionals trading on the CSE provides an incentive for dealers to delay sending limit orders to the Exchange until they are marketable,[80] and that all orders on the CSE are thereby deprived of the benefits accruing from order interaction. In this regard, the Exchange is adopting policies for the display and timely execution of limit orders held by preferencing dealers. Under the policies, a preferencing dealer will be required to display limit orders he or she represents as agent priced at or better than the ITS/BBO on the CSE[81] and to execute such limit orders in a timely manner relative to executions on the primary market.[82]

The Commission believes that these limit order policies should promote order interaction on the CSE through improved quotations and increased volume on the Exchange's central limit order book, as well as add to the quality of information displayed to the national market system. The Commission notes, however, that the limit order display policy permits a CSE dealer to display orders in his or her quotes, rather than placing a customer limit order in NSTS where it would have the opportunity to interact with customer orders from other CSE dealers. The holding of customer limit orders that are routed to a CSE dealer for execution on the Exchange outside of the NSTS system raises concerns regarding whether such order handling practices are consistent with a CSE dealer's best execution obligations. A CSE dealer that chooses to represent a customer limit order in his or her dealer quote instead of on the CSE's central limit order book must ensure that the customer is not disadvantaged as a result of that decision. Representing a limit order in his or her quote, rather than placing a limit order in the NSTS system where it can be matched with customer orders from other CSE dealers, places an obligation on the CSE dealer to monitor executions on the CSE to ensure that the limit order receives an appropriate execution.

While preferencing, and the resulting internalization of order flow by broker-dealers, may reduce order interaction on the CSE, preferencing does not inhibit dealers from executing customer orders between the ITS/BBO spread, nor from executing customer buy orders at the ITS best bid and sell orders at the ITS best offer. In this regard, the CSE reported that CSE executions in greater than minimum variation markets receive price improvement at a rate that is comparable to that of the NYSE.[83] Moreover, the CSE is adopting an order handling policy designed to give market orders an opportunity for price improvement through exposure on the CSE and to the national market system.[84] Under this policy, in greater than minimum variation markets, preferencing dealers will be required to immediately execute market orders at an improved price, or expose the orders to other market participants for an opportunity for price improvement.[85] Accordingly, these market orders cannot be internalized by a CSE dealer without first receiving an improved price or the opportunity for price improvement.

Although the data indicates that the quality CSE preferencing dealers' market making is presently comparable to other markets, the Commission recognizes that this quality relative to other markets may change over time. The Commission will periodically review the practices of broker-dealers that internalize order flow through the CSE's preferencing program. If a deterioration in the performance of preferencing dealers were evident, the Commission would consider whether the CSE would need to reinstitute time priority between dealer quotes on the CSE, or take other actions to improve the quality of market making on the CSE.

Furthermore, while the CSE's order handling policies and the data described in this order lead us to conclude that preferencing on the CSE is not necessarily inconsistent with a broker-dealer's duty to seek best execution, the Commission recognizes that CSE execution quality is, nevertheless, in large part dependent on the diligence of CSE members in handling customer orders. While this is true of all markets, it is of particular significance in markets where dealers execute customer orders as principal. It is therefore incumbent on the CSE,[86] as well as the Commission in its oversight capacity, to ensure that CSE members provide best execution of customer orders.

In this regard, the Commission's recent order routing disclosure requirements[87] and its proposed order handling rules[88] signal a renewed emphasis on the important of price improvement opportunities in connection with the duty to seek best execution. As the Commission has noted, while an automated order routing environment is not necessarily inconsistent with the achievement of best executive, broker-dealers choosing where to automatically route orders must assess periodically the quality of

[79] *See* Securities Exchange Act Release No. 28866, *supra* note 5. The CSE's NSTS system was designed to centralize the trading interest of geographically dispersed dealers by consolidating and disseminating the dealers' quotations, and providing a central limit order book for orders entered by the multiple dealers. Thus, the NSTS system provides a central location for CSE dealers to interact in a manner similar to a traditional exchange trading floor. Preferencing, however, suspends time priority between professional trading interest so that the multiple CSE dealers can execute their own customer orders without interruption by other dealers and is more akin to trading in the over-the-counter markets.

[80] *See supra* note 44.

[81] As described above, *see id.*, CSE dealers may display limit orders by either representing the orders in their CSE quotes or placing the orders on the CSE's central limit order book.

[82] Any preferencing dealer that failed to display limit orders or provide timely executions as required by these policies would violate CSE rules and would violate CSE rules and would be subject to disciplinary action by the Exchange.

[83] *See* CSE Letters Nos. 3, 4, and 5, *supra* note 36.

[84] Market orders exposed on the CSE will also be exposed to the national market system through the CSE's consolidated quote.

[85] Any preferencing dealer that failed to expose market orders as required by the policy would violate CSE rules and would be subject to disciplinary action by the Exchange.

[86] At a minimum, the Commission would expect the CSE, as with any self-regulatory organization, to conduct regular, comprehensive surveillance of the execution quality provided by its members.

[87] *See* Securities Exchange Act Release No. 34902, *supra* note 15.

[88] *See* Securities Exchange Act Release No. 36310, *supra* note 16.

competing markets to assure that order flow is directed to markets providing the most advantageous terms for their customers' orders.[89] Consequently, a broker-dealer may not simply employ default order routing to an affiliated CSE dealer without undertaking such an evaluation on an ongoing basis. A broker-dealer sending orders to the CSE must satisfy itself that its routing decision is consistent with its best execution obligations, irrespective of the firm's desire to internalize order flow through an affiliated CSE preferecing dealer. To reach this conclusion, the broker-dealer must rigorously and regularly examine the executions likely to be obtained for customer orders in the different markets trading the security, in addition to any other relevant considerations in routing customer orders.

The Commission also has considered carefully the commenters' concerns regarding the quality of the CSE's market, and whether preferencing has added depth and liquidity to the CSE market, and improved quotations.[90] In this respect, the Commission first considered data provided by the CSE and commenters. In light of the conflicting results from the two groups of data, the Commission collected additional data on its own. Overall the data indicates that preferencing dealers have added depth and liquidity to the CSE market. Specifically, data indicated that, for the 281 stocks in which preferencing dealers accounted for 80% to 99% of total CSE quote on average matched the NYSE best bid approximately 54% of the time and the NYSE best offer nearly 61% of the time, with an average depth of over 720 shares. This compares favorably to the data for other regional exchanges provided by the CSE.[91] Finally, for the 114 stocks traded on the CSE for which there are only preferencing dealers, the depth of CSE quotes matching at least one side of the NYSE BBO nearly 500 shares. This data indicates that preferencing dealers are providing competitive quotations that add liquidity to the national market.

Several commenters asserted that CSE quotations at the ITS/BBO do not add depth and liquidity to the national market because they change too quickly for other market participants to react. The data regarding CSE quotations was analyzed by the OEA on a time-weighted basis, so that, unlike the figures provided by the commenters and the CSE, the results took into consideration whether the quotes at the NYSE BBO were short in duration relative to quotes outside of the NYSE BBO. The resulting figures that CSE dealers match at least one side of the NYSE BBO between 54% and 61% of the time in the 281 securities, therefore, indicate that CSE quotes are often maintained at the NYSE BBO.

The Commission believes that the CSE's proposed limit order display policy could further add to the depth and liquidity of the CSE market. As discussed above, under the policy, CSE dealers will be required to display limit orders priced at or better than the ITS/BBO. Whether represented in the dealer's quote or placed on the Exchange's central limit order book, these orders will be included in the CSE consolidated quote and disseminated to the national market system. The Commission recently recognized that the display of limit orders could produce, among other benefits, spreads that more fully represent buying and selling interest in the market and enhance an investor's ability to monitor execution quality.[92] This, in turn, should increase competition among dealers based on their respective quotations.

Finally, the Commission believes it is consistent with the Act for the CSE to remove the restriction placed on the DPP during the pilot prohibiting preferencing dealers from making cash payments for order flow. The Commission believed that a limitation on the inducements for preferencing order flow was necessary until the Commission had an opportunity to assess the effects of the DPP pilot. As discussed above, the Commission has assessed the preferencing pilot and determined that it is not inconsistent with the Act, nor necessarily, a broker-dealer's obligation to seek best execution. Moreover, lifting the payment for order flow restriction on CSE preferencing dealers will place them in the same position as the CSE's other members. Accordingly, the Commission believes it is appropriate at this time to remove this restriction.

The Commission also is approving the DPP without the restriction on the number of stocks in which a single CSE dealer is permitted to register. These restrictions were necessary to limit the scope of the pilot program so that the CSE and Commission could evaluate the effects of preferencing. The Commission has completed such an evaluation and finds no reason to continue the restriction.

VII. Conclusion

The Commission believes it is consistent with the Act to approve the CSE's dealer preferencing program, as amended, on a permanent basis. In making this determination, the Commission has carefully evaluated the data provided by the CSE and commenters, as well as data collected by the Commission. The Commission has concluded that preferencing, as supplemented by the order handling policies, is not necessarily inconsistent with the attainment of best execution of customer orders, the maintenance of fair and orderly markets, or the protection of investors and the public interest under Section 6(b)(5) of the Act. In addition, the Commission believes approval of the DPP, as amended, also is consistent with Section 11A of the Act, particularly considering the order handling policies being adopted herein. Moreover, to the extent that preferencing does not have the effect of increasing order interaction, it fulfills the other national market system goals of Section 11A(a)(1)(C) of the Act, such as furthering competition among brokers and dealers, among exchange markets and markets other than exchange markets.

Nevertheless, Commission approval of the CSE's preferencing program is not a determination by the Commission that mere default routing by a firm to its affiliated preferencing dealer is consistent with a firm's best execution obligations. A broker-dealer associated with a preferencing dealer must still ensure that its order routing decisions and the preferencing dealer's order handling practices on the CSE (even if in technical compliance with the CSE's order handling requirements) are consistent with the firm's best execution obligations and assess periodically the quality of competing markets to assure that order flow is directed to markets providing the most advantageous terms for its customers' orders.

[89] *Id.* The Commission also noted that the availability of sophisticated order handling systems has made it possible for some broker-dealers and market centers to provide an opportunity for price improvement for their customer orders. The use of these efficient routing and execution facilities by firms and exchanges suggests that price improvement procedures and other best execution safeguards in an automated environment are increasingly practicable and are setting new standards for the industry. *See also* Division of Market Regulation, SEC, *Market 2000: An Examination of Current Equity Market Developments,* (January 1994), at Study V.

[90] *See supra* note 52 and accompanying text.

[91] *See* CSE Letter No. 1, *supra* note 36.

[92] *See* Securities Exchange Act Release No. 36310, *supra* note 16.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[93] that the proposed rule change (SR–CSE–95–03), as amended, is approved.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8397 Filed 4–4–96; 8:45 am]

BILLING CODE 8010–01–M

[93] 15 U.S.C. 78s(b)(2).

[Release No. 34–37042; File No. SR–DGOC–96–04]

Self-Regulatory Organizations; Delta Government Options Corp.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Addition of Prebon Securities (USA) Inc. as an Interdealer Broker for Delta Government Options Corp.'s Repurchase Agreement Clearance System

March 29, 1996.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on March 8, 1996, Delta Government Options Corp. (''DGOC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by DGOC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to accommodate Prebon Securities (USA) Inc. (''Prebon'') as an interdealer broker in DGOC's over-the-counter clearance and settlement system for repurchase agreement and reverse repurchase agreement transactions involving U.S. Treasury securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DGOC 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. DGOC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Through its repo clearing system, DGOC clears repos and reverse repos that have been agreed to by DGOC participants through the facilities of interdealer brokers that have been specially authorized by DGOC (''authorized brokers'') to offer their services to DGOC participants.[3] Currently, Liberty Brokerage, Inc., RMJ Special Brokerage Inc., and Euro Brokers Maxcor Inc. are authorized brokers.[4] The purpose of the proposed rule change is to accommodate Prebon as an authorized broker in DGOC's clearance and settlement system for repo trades.

The proposed rule change will facilitate the prompt and accurate clearance and settlement of securities transactions, and therefore, the proposed rule change is consistent with the requirements of the Act, specifically section 17A of the Act, and the rules and regulations thereunder.[5]

(B) Self-Regulatory Organization's Statement on Burden on Competition

DGOC 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.

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[6] and Rule 19b–4(e)(4) thereunder,[7] in that the proposal effects a change in an existing service of a registered clearing agency that does not adversely affect the safeguarding of securities or funds in the custody or control of the clearing agency or for which it is responsible and does not significantly affect the respective rights or obligations of the clearing agency or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, 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 communication relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at DGOC. All submissions should refer to File No. SR–DGOC–96–04 and should be submitted by April 26, 1996.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 96–8396 Filed 4–4–96; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] The Commission has modified parts of these statements.

[3] For a complete description of the DGOC's repo clearance system, see Securities Exchange Act Release No. 36367 (October 13, 1995), 60 FR 54095.

[4] Securities Exchange Act Release Nos. 36367 (October 13, 1994), 60 FR 54095; and 36901 (February 28, 1996), 61 FR 8991.

[5] 15 U.S.C. 78q–1 (1988).

[6] 15 U.S.C. 78s(b)(3)(A)(iii) (1988).

[7] 17 CFR 240.19b 4(e)(4) (1995).

[8] 17 CFR 200.30–3(a)(12) (1995).

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–0202]

Notice of Issuance of a Small Business Investment Company License

On January 26, 1996, a notice was published in the Federal Register (61 FR 2565) stating that an application had been filed by Mellon Ventures, L.P., One Mellon Bank Center, Room 151–3200, Pittsburgh, Pennsylvania 15258 with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business

investment companies (13 C.F.R. 107.102 (1995)) for a license to operate as a small business investment company.

Interested parties were given until close of business February 10, 1996 to submit their comments to SBA. No comments were received. Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 03/03–0202 on March 12, 1996 to Mellon Ventures, L.P. to operate as a small business investment company.

The Licensee has initial private capital of $2.5 million, and Mr. Lawrence E. Mock, Jr. will manage the fund. The capital of the Licensee is owned initially by Mellon Bank, N.A. With the exception of this entity, no one investor is expected to own more than 10% of the partnership.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1996.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–8422 Filed 4–4–96; 8:45 am]

BILLING CODE 8025–01–P

[License No. 09/09–0405]

Notice of Issuance of a Small Business Investment Company License

On January 26, 1996, a notice was published in the Federal Register (61 FR 2564) stating that an application had been filed by Wells Fargo Small Business Investment Company, Inc., One Montgomery Street, West Tower, Suite 2530, San Francisco, California 94104, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1995)) for a license to operate as a small business investment company.

Interested parties were given until close of business February 10, 1996 to submit their comments to SBA. No comments were received. Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 09/09–0405 on March 12, 1996, to Wells Fargo Small Business Investment Company, Inc. to operate as a small business investment company.

The Licensee has initial private capital of $5 million, and Mr. Richard R. Green will manage the fund. The capital of the Licensee is owned initially by Wells Fargo Equity Capital, Inc. With the exception of this entity, no one investor is expected to own more than 10% of the equity ownership.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 18, 1996.

Don A. Christensen,

Associate Administrator for Investment.

[FR Doc. 96–8421 Filed 4–4–96; 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 P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. Since the last list was published in the Federal Register on March 29, 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.)

Videoconference Evaluation Recontact Survey—0960–NEW. The purpose of the survey is to obtain public reaction to conducting business using videoconferencing technology. The information will be used by the Social Security Administration to determine the effectiveness of using videoconferencing for conducting claims and hearing interviews. The respondents are applicants for Social Security disability benefits and Supplemental Security Income disability benefits.

Number of Respondents: 400.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 100 hours.

Written comments and recommendations regarding this information collection 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.

Dated: March 27, 1996.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 96–8197 Filed 4–4–96; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Airspace Reclassification in the Vicinity of Bellingham, WA, in Support of Transport Canada Terminal Airspace Design; Public Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Public meeting.

SUMMARY: This notice announces an informal airspace meeting to discuss a request from Transport Canada (TC) that the FAA reclassify United States airspace in the vicinity of the San Juan Islands and Bellingham, WA, in support of the Vancouver International Airport terminal airspace design. The purpose of the meeting is to discuss TC's request and FAA considerations regarding the safety of air traffic in the affected airspace. Additionally, the FAA plans to give interested persons the opportunity to present views, recommendations, and comments concerning TC's request.

DATES: The meeting will be held on Monday, May 6, 1996, from 7:00 p.m. to 10:00 p.m.

ADDRESSES: The meeting will be held at the Friday Harbor High School (Cafeteria), 45 Blair Street, Friday Harbor, WA.

FOR FURTHER INFORMATION CONTACT: Melodie DeMarr, Air Traffic Division, ANM–530, Northwest Mountain Regional Office, telephone: (206) 227–2547, fax: (206) 227–1534.

SUPPLEMENTARY INFORMATION:

Background

On September 2, 1993, TC requested that the FAA take action to redesignate the Lower Mainland Airspace between Vancouver and Seattle to complement the adjacent Canadian airspace. TC requested that the airspace be reclassified in time to coincide with the

opening of the new parallel Runway 08L–26R at Vancouver International.

On March 22, 1995, the FAA published Notices of Public Meetings to announce two informal airspace meetings to solicit information, from airspace users and others, concerning the TC request to reclassify U.S. airspace in the vicinity of the San Juan Islands and Bellingham, WA, as Class C airspace (60 FR 15172). The informal airspace meetings were held on May 9–10, 1995. Over 300 comments were received opposing the proposal. After a review of the comments and consultation with TC's user community, the FAA suggested that the airspace request be modified. TC has now modified its original request. Specifically, the request is for the FAA to consider adopting Class C airspace in the vicinity of Bellingham, WA, to support the new Vancouver-Victoria terminal airspace design adjacent to U.S. airspace from 2,500 feet MSL to 12,500 feet MSL within a 16-nautical-mile arc of the Vancouver VOR; and the Abbotsford British Columbia Approach area to become Class D airspace from above 1,500 feet MSL to 2,500 feet MSL and Class C airspace from above 2,500 feet MSL to 12,500 feet MSL. This modified request will be discussed at this public meeting.

Meeting Procedures

The following procedures are established to facilitate the meeting:

(1) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons subject to availability of space in the meeting room. Those who would like to present statements should register with Melodie DeMarr at least 30 minutes prior to the beginning of the public meeting.

(2) The meeting may adjourn early if scheduled speakers complete their statements in less time than currently is scheduled for the meeting.

(3) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(4) The FAA will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come, first-served basis. However, the FAA reserves the right to exclude some speakers, if necessary, to present a balance of viewpoints and issues.

(5) Representatives of the FAA will preside over the meeting. A panel of FAA personnel involved in this issue will be present.

(6) Position papers or material presenting views or information relating to the substance of the meeting will be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide *three* copies of all materials to be presented for distribution to the panel members; other copies may be provided to the audience at the discretion of the participant.

(7) Statements made by members of the meeting panel are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by a member of the panel is not intended to be, and should not be construed as, a position of the FAA.

(8) The meeting is designed to solicit public views and more complete information on the subject airspace issue. Therefore, the meeting will be conducted in an informal and nonadversarial manner. No individual will be subject to cross-examination by any other participant; however, panel members may ask questions to clarify a statement and to ensure a complete and accurate record.

(9) The meeting will not be formally recorded. However, a summary of the comments made at this meeting will be filed in the docket.

Agenda for Each Meeting

—Opening Remarks and Discussion of Meeting Procedures
—Briefing on Background for TC Request and Subsequent FAA Findings
—Public Presentations
—Closing Comments

Issued in Washington, DC, on March 29, 1996.

Nancy B. Kalinowski,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 96–8503 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–13–P

Federal Highway Administration

Environmental Impact Statement: Phelps County, Missouri

AGENCY: Federal Highway Administration (FHWA), DOT.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Southeast Central, Missouri.

FOR FURTHER INFORMATION CONTACT: Donald Neumann, Programs Engineer, Federal Highway Administration, Division Office, P.O. Box 1787, Jefferson City, MO 65102, Telephone Number (573) 636–7104; or Fred Martin, Plans Scoping Engineer, Missouri Highway and Transportation Department, P.O. Box 270, Jefferson City, MO 65102, Telephone Number (573) 751–2876.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Missouri Highway and Transportation Department (MHTD), will prepare an environmental impact statement (EIS) on a proposal to upgrade U.S. Route 63 from north of Rolla, near the Phelps/Maries County line, south to approximately the intersection of U.S. Route 63 and Route W near the city of Vida. The corridor is approximately 19.3 km (12.0 miles) in length. The improvements are considered necessary to provide for the existing and projected traffic demand.

Alternatives under consideration include (1) The no build option, (2) improving existing U.S. Route 63, (3) a combination of improving U.S. 63 north of Rolla and improving Interstate 44, (4) constructing a bypass east or west of Rolla, and (5) transportation system management (TSM) improvements.

Preliminary information has been issued to local officials and other interested parties at a prelocation meeting held on February 27, 1996 in Rolla. The scoping process has been initiated with Federal, State, and local government officials at a meeting on March 7, 1996. To ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Comments and questions concerning this proposed action and the EIS should be directed to the FHWA or to the MHTD at the addresses provided above.

Issued on: March 28, 1996.

Donald L. Neumann,

Programs Engineer, Jefferson City, Missouri.

[FR Doc. 96–8391 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

[Docket No. 96–028; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1988 Nissan 240SX Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1988

Nissan 240SX passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1988 Nissan 240SX that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 6, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202) 366–5306.

SUPPLEMENTARY INFORMATION:

Background

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.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Pierre Enterprises Southeast Inc. of Fort Pierce, Florida (''Pierre'') (Registered Importer 96–098) has petitioned NHTSA to decide whether 1988 Nissan 240SX passenger cars are eligible for importation into the United States. The vehicle which Pierre believes is substantially similar is the 1988 Nissan 240SX that was manufactured for importation into, and sale in, the United States and certified by its manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non-U.S. certified 1988 Nissan 240SX to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Pierre submitted information with its petition intended to demonstrate that the non-U.S. certified 1988 Nissan 240SX, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1988 Nissan 240SX is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence . . . .*, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 111 *Rearview Mirror,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 118 *Power Window Systems,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* 301 *Fuel System Integrity, and* 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Placement of the appropriate symbols on the brake failure, parking brake, and seat belt warning lamps; (b) installation of a U.S.-model speedometer/odometer, calibrated in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies which incorporate sealed beam headlamps and sidemarkers; (b) installation of U.S.-model taillamps; (c) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 114 *Theft Protection:* installation of a warning buzzer in the steering lock electrical circuit.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 208 *Occupant Crash Protection:* installation of a seat belt warning buzzer. The petitioner states that the vehicle is equipped with seat belt assemblies that are identical to those found on its U.S. certified counterpart.

Standard No. 214 *Side Impact Protection:* installation of reinforcing bars.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 2, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety, Compliance.

[FR Doc. 96–8495 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–34; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1987 Audi 200 Quattro Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1987 Audi 200 Quattro passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1987 Audi 200 Quattro that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 6, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm]

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

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.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Champagne Imports, Inc. of Lansdale, Pennsylvania (Registered Importer No. R–90–009) has petitioned NHTSA to decide whether 1987 Audi 200 Quattro passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1987 Audi 5000 Quattro. Champagne has submitted information indicating that the manufacturer of the 1987 Audi 5000 Quattro certified that vehicle as conforming to all applicable Federal motor vehicle safety standards and offered it for sale in the United States.

The petitioner contends that it carefully compared the 1987 Audi 200 Quattro to the 1987 Audi 5000 Quattro, and found the two models to be substantially similar with respect to compliance with most applicable Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the 1987 Audi 200 Quattro, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as the 1987 Audi 5000 Quattro that was offered for sale in the United States, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the 1987 Audi 200 Quattro is identical to the certified 1987 Audi 5000 Quattro with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence . . . .,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 203 *Impact Protection for the Driver From the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) Substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp with the appropriate symbol; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) Installation of U.S.—model headlamp assemblies; (b) installation of U.S.—model front and rear sidemarker/reflector assemblies; (c) installation of U.S.—model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirrors:* replacement of the convex passenger side rear view mirror.

Standard No. 114 *Theft Protection:* installation of a buzzer microswitch in the steering lock assembly, and a warning buzzer.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing-actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch-actuated seat belt warning lamp and buzzer. The petitioner states that the vehicle is equipped with combination lap and shoulder restraints that adjust by means of an automatic retractor and release by means of a single push button at each front and rear outboard seating position, and with a lap belt in the center rear seating position.

Standard No. 214 *Side Impact Protection:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the

fuel tank and the evaporative emissions collection canister.

Additionally, the petitioner states that the bumpers on the 1987 Audi 200 Quattro must be reinforced to comply with the Bumper Standard found in 49 CFR Part 581, or U.S.-model bumper components must be installed.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141 (a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 2, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–8496 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–59–P

[Docket No. 96–35; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming 1995 Mercedes-Benz C220 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1995 Mercedes-Benz C220 passenger cars are eligible for importation.

SUMMARY: This notice announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that a 1995 Mercedes-Benz C220 that was not originally manufactured to comply with all applicable Federal motor vehicle safety standards is eligible for importation into the United States because (1) it is substantially similar to a vehicle that was originally manufactured for importation into and sale in the United States and that was certified by its manufacturer as complying with the safety standards, and (2) it is capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is May 6, 1996.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9:30 am to 4 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

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.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the Federal Register of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the Federal Register.

Champagne Imports, Inc. of Landsdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1995 Mercedes-Benz C220 (Model ID 202.022) passenger cars are eligible for importation into the United States. The vehicle which Champagne believes is substantially similar is the 1995 Mercedes-Benz C220 that was manufactured for importation into, and sale in, the United States and certified by its manufacturer, Daimler Benz A.G., as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared the non- U.S. certified 1995 Mercedes-Benz C220 to its U.S. certified counterpart, and found the two vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that the non-U.S. certified 1995 Mercedes-Benz C220, as originally manufactured, conforms to many Federal motor vehicle safety standards in the same manner as its U.S. certified counterpart, or is capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that the non-U.S. certified 1995 Mercedes-Benz C220 is identical to its U.S. certified counterpart with respect to compliance with Standards Nos. 102 *Transmission Shift Lever Sequence . . . .*, 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 107 *Reflecting Surfaces,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 211 *Wheel Nuts, Wheel Discs and Hubcaps,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Additionally, the petitioner states that the non-U.S. certified 1995 Mercedes-Benz C220 complies with the Bumper Standard found in 49 CFR Part 581. Petitioner also contends that the vehicle is capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with an ECE symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer from kilometers to miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.- model headlamp assemblies; (b) installation of U.S.- model front and rear sidemarker/reflector assemblies; (c) installation of U.S.- model taillamp assemblies; (d) installation of a high mounted stop lamp.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the convex passenger side rearview mirror.

Standard No. 114 *Theft Protection:* installation of a warning buzzer microswitch and a warning buzzer in the steering lock assembly.

Standard No. 115 *Vehicle Identification Number:* installation of a VIN plate that can be read from outside the left windshield pillar, and a VIN reference label on the edge of the door or latch post nearest the driver.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 206 *Door Locks and Door Retention Components:* replacement of the rear door locks and door lock buttons.

Standard No. 208 *Occupant Crash Protection:* (a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer. The petitioner states that the vehicle is equipped with an automatic restraint system consisting of driver's and passenger's side air bags and knee bolsters. If these components do not have identical part numbers to those found on the vehicle's U.S. certified counterpart, the petitioner states that they will be replaced with components having such part numbers. The petitioner further states that the vehicle is equipped with a combination lap and shoulder restraint that adjusts by means of an automatic retractor and releases by means of a single push-button at each front and rear outboard seating position, and with a lap belt at the rear center seating postion.

Standard No. 214 Side *Impact Protection:* installation of reinforcing beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, S.W., Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the Federal Register pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: April 2, 1996.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 96–8497 Filed 4–4–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board [1]

[STB Docket No. AB–290 (Sub-No. 181X)]

Norfolk and Western Railway Company—Abandonment Exemption—in Pike County, KY

Norfolk and Western Railway Company (NW) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon 1.25 miles of its line of[1] [1] railroad between milepost MN–0.95 at Nampa and milepost MN–2.20 at Pounding Mill, in Pike County, KY.[2]

NW has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 5, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29 [5] must be filed by April 15, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 25, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

NW has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 10, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to the Board's jurisdiction pursuant to 49 U.S.C. 10903.

[2] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant in its verified notice, indicated a proposed consummation date of May 3, 1996. Because the verified notice was not filed until March 18, 1996, however, consummation should have not been proposed to take place prior to May 7, 1996. Applicant's representative has been contacted and has confirmed that the correct consummation date is May 7, 1996.

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C. 2d 164 (1987).

[5] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 28, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–8465 Filed 4–4–96; 8:45 am]

BILLING CODE 4915–00–P

[STB Docket No. AB–468X]

Surface Transportation Board[1]

Paducah & Louisville Railway, Inc.—Abandonment Exemption—in Muhlenberg and Hopkins Counties, KY

Paducah & Louisville Railway, Inc. (P&L) filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 12.70 miles of its line of railroad between milepost J–133.3 at Greenville and milepost J–146.0 at White Plains, in Muhlenberg and Hopkins Counties, KY.[2]

P&L has certified that: (1) no local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Board or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to use of this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 5, 1996, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[3] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[4] and trail use/rail banking requests under 49 CFR 1152.29[5] must be filed by April 15, 1996. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 25, 1996, with: Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: J. Thomas Garrett, Vice President & General Counsel, 1500 Kentucky Avenue, Paducah, KY 42003.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

P&L has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by April 10, 1996. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Surface Transportation Board, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927–6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: March 28, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–8466 Filed 4–4–96; 8:45 am]

BILLING CODE 4915–00–P

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[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission 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. 10903.

[2] Pursuant to 49 CFR 1152.50(d)(2), the railroad must file a verified notice with the Board at least 50 days before the abandonment or discontinuance is to be consummated. The applicant in its verified notice, indicated a proposed consummation date of May 2, 1996. Because the verified notice was not filed until March 18, 1996, however, consummation should have not been proposed to take place prior to May 7, 1996. Applicant's representative has been contacted and has confirmed that the correct consummation date is May 7, 1996.

[3] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C. 2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[4] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C. 2d 164 (1987).

[5] The Board will accept late-filed trail use requests so long as the abandonment has not been consummated and the abandoning railroad is willing to negotiate an agreement.

Corrections

Federal Register
Vol. 61, No. 67
Friday, April 5, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 157 - Final

Correction

In notice document 96–7132 beginning on page 12087 in the issue of Monday, March 25, 1996, make the following corrections:

1. On page 12093, in the 2nd column, under the heading West Cameron, in the 4th line, delete comma between ‘‘68 and (S1/2)’’.

2. On page 12094, in the 1st column, in the 2nd line from the top, insert ‘‘251,’’after ‘‘250,’’.

3. On page 12094, in the 1st column, under the heading South Marsh Island, in the 4th line, insert ‘‘59,’’ between ‘‘58,’’ and ‘‘60,’’.

4. On page 12094, in the 1st column, under the heading Ship Shoal, in the 15th line, insert ‘‘199,’’ between ‘‘198,’’ and ‘‘201,’’.

5. On page 12094, in the 2nd column, under the heading South Timbalier, in the 5th line, insert ‘‘92,’’ between ‘‘91,’’ and ‘‘95,’’.

6. On page 12094, in the 3rd column, under the heading Mobile, in the first line, insert ‘‘821’’ between ‘‘820,’’ and ‘‘822,’’; in the 4th line, delete comma between ‘‘911 and (N1/2)’’.

7. On page 12095, in the 1st column, under the heading Mississippi Canyon, in the 21st line, insert ‘‘517,’’ between ‘‘516, and ‘‘517,’’.

8. On page 12095, in the same column, under the heading Green Canyon, in the ninth line, delete the second ‘‘192’’ and insert ‘‘193’’.

9. On page 12095, in the 3rd column, under the heading Atwater Valley, in the 4th line, insert ‘‘99,’’ between ‘‘98,’’ and ‘‘100,’’.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release No. 34–37022; File No. S7–40–92]

RIN 3235–AF91

Rules of Practice

Correction

In rule document 96–7537, appearing on page 13689 in the issue of Thursday, March 28, 1996, make the following correction:

§ 200.30-7 [Corrected]

On page 13689, in the second column, in amendatory instruction 7 to § 200.30-7, in the sixth line, ‘‘§ 21.161’’ should read ‘‘§ 201.161’’.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36920; International Series Release No. 945; File No. SR–CBOE–96–09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 to Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to the Listing and Trading of Options on the Mexican Indice de Precios y Cotizaciones

Correction

In notice document 96–5785, beginning on page 10043 in the issue of Tuesday, March 12, 1996, make the following correction:

On page 10045, in the first column, above the FR Doc. line, the signature was omitted and should read as set forth below:

Margaret H. McFarland,
Deputy Secretary.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36939; File No. SR–Philadep–95–13]

Self-Regulatory Organizations; Philadelphia Depository Trust Company; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Implementing Institutional Delivery System Features in the Philanet Terminal System

Correction

In notice document 96–5963, beginning on page 10416 in the issue of Wednesday, March 13, 1996, in the second column, the Release number should read as set forth above.

BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–36955; File No. SR–NASD–95–59]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc., To Amend Section 65 of the Uniform Practice Code To Require Members Who Are Participants in a Registered Clearing Agency To Use the Electronic Facilities of Such Agency To Transmit Customer Account Transfer Instructions

Correction

In notice document 96–6322, beginning on page 11070 in the issue of Monday, March 18, 1996, in the third column, the Release number should read as set forth above.

BILLING CODE 1505–01–D

federal register

Friday
April 5, 1996

Part II

Department of Housing and Urban Development

24 CFR Part 50

Office of the Secretary; Protection and Enhancement of Environmental Quality; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 50

[Docket No. FR–2206–P–01]

RIN 2501–AA30

Office of the Secretary; Protection and Enhancement of Environmental Quality

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would simplify, improve, and update the Department's implementation of responsibilities for environmental review and decision making under the National Environmental Policy Act and the other related Federal environmental laws and authorities. The proposed rule would apply to all HUD activities and programs, except those for which specific statutory authority exists to assign the environmental review responsibilities to recipients and other responsible entities that are States, units of general local government, Indian Tribes or other entities subject to HUD regulations.

DATES: Comment due date: June 4, 1996.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Richard H. Broun, Director, Office of Community Viability, Room 7240, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–7000, telephone (202) 708–2894. For telephone communication, contact Walter Prybyla, Deputy Director for Policy, Environmental Review Division at (202) 708–1767. Hearing or speech-impaired individuals may call the Federal Information Relay Service number at 1–800–877–TDDY (1–800–877–8339) and refer to (202) 708–1767.

SUPPLEMENTARY INFORMATION: The proposed rule would amend HUD's regulations in 24 CFR part 50 to simplify, improve, and update the current policy and procedures used by HUD for its environmental review and decision making in carrying out responsibilities in accordance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321–4347), the NEPA implementing regulations of the Council on Environmental Quality, and the other Federal environmental laws and authorities related to NEPA as cited in § 50.4 of this proposed rule. The proposed rule would apply to all HUD activities and programs, except those for which specific statutory authority exists to assign the environmental review responsibilities to recipients and other responsible entities that are States, units of general local government, Indian Tribes or other entities subject to 24 CFR part 58. When this proposed rule is issued as a final rule, it would replace the current interim rule originally issued on December 15, 1982 (47 FR 56268) and amended since then. For HUD programs covered by this rule, see paragraph E.

Some of the more recent action-driving developments for this rulemaking result from the implementation of a series of innovative initiatives designed to improve the way the Department delivers services to the public. These and other reasons for this proposed rule are the following:

A. HUD Regulatory Reinvention

This proposed rule is consistent with the President's March 4, 1995, memorandum directing Federal agencies to examine all regulations, to eliminate those that are obsolete and to revise other regulations to increase flexibility and reduce regulatory burden.

B. HUD Reorganization of Field Offices

The Secretary of HUD directed the transformation of HUD to make it an activist, enabling agent for change through the recent empowering of HUD field staff through reorganization of HUD field offices. The proposed rule would remove from the current part 50 the nomenclature of the previous HUD field office organization and assignments of responsibility that no longer exist.

C. Environmental Justice

The President issued on February 11, 1994, Executive Order 12898, (59 FR 7629–7633, February 16, 1994) which directed Federal agencies to address environmental justice issues affecting minority and low-income populations. HUD is awaiting additional guidance to Federal agencies that the Council on Environmental Quality (CEQ) is preparing on how agencies are to implement this Executive Order.

D. General Updating

There is need for general updating of current part 50, based on program experience and changes in authorizations. The proposed rule would restructure part 50 to focus on the new condition that Federal environmental laws and authorities cited in § 50.4 are now as prominent as NEPA itself in HUD's environmental review processing. The need for the preparation of environmental assessments under NEPA has declined and will continue to decline as the number of categorical exclusions increases in response to the evolving nature of HUD programs of assistance. In addition, the proposed rule would respond to the National Performance Review on government regulations in that the proposed rule would simplify part 50 by removing the appendices and other non-statutory provisions. Further information on the general updating is provided in the following discussion of revisions proposed in each subpart of the current rule:

Subpart A

- Definitions are provided for the terms: HUD approving official, project, and environmental review.
- Additional related Federal laws and authorities are referenced. Examples of new references are: Executive Order 12898 on Environmental Justice; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and the National Flood Insurance Reform Act. Removed is the reference to HUD Notice 79–33, Policy Guidance to Address the Problems Posed by Toxic Chemicals and Radioactive Material (September 10, 1979). Issues related to toxic chemicals and radioactive material would be covered under a new § 50.3(i). Removed also was the reference to the Fish and Wildlife Coordination Act, because HUD believes this act does not impose a duty on this Department in light of the nature of HUD's assistance programs and activities.

Subpart B

- Basic responsibility is revised to conform with the new HUD field office organization.
- Terminated functions. Removed from the current rule are the sections covering functions abolished by the field reorganization, for example, references to area and service office supervisors and regional administrators.
- Simplification. Also, removed is non-statutory and internal organizational material that is more suitable for inclusion in a HUD

handbook, for example, the section which currently details the responsibilities of the Other Assistant Secretaries, Administrators, and the General Counsel.

• Responsibility for environmental review is specified. This new section makes clear that the HUD approving official is responsible for the environmental review and may use any information supplied by the applicant or contractor for the environmental review, provided that HUD independently evaluates the information.

Subpart C

• Terminated programs. The proposed rule would remove from the list of project decision points all references to liquidated programs such as the Urban Renewal Program, New Community Development Corporation, and Rehabilitation Loan Program (Sec. 312). Also, the proposed rule would remove project decision points for hospitals to remove duplication of environmental review between HUD and the Department of Health and Human Services (HHS). HHS is the Federal lead agency responsible for all aspects of hospital need, type, necessary services, design, capacity, location and physical/structural requirements as well as for environmental review and decisionmaking. HUD's function is confined to insuring the loan after all other considerations (local, State, and Federal) are met. With each application submitted to HUD for assistance, HHS would provide HUD with a certification that HHS has complied with the applicable requirements of NEPA and other related authorities in accordance with its regulations.

• Other program decision points. At § 50.17(e), the proposed rule would replace the reference to the Community Development Block Grants Program (CDBG) with a general reference to ''HUD programs subject to 24 CFR part 58.'' This general reference now covers a greater number of HUD programs other than the CDBG program. Section 50.17(g) would provide the decision points for the Stewart B. McKinney Homeless Assistance Act Programs where the recipients are nonprofit organizations or governmental entities with special or limited purpose powers.

Subpart D

• Categorical exclusions. § 50.19 is being revised to cover all actions that are excluded from NEPA as well as the related laws and authorities in § 50.4. § 50.20 continues to cover actions that are categorically excluded from NEPA, but may be subject to the laws and authorities cited in § 50.4.

• § 50.19: The exclusions listed at § 50.19—unlike the exclusions listed at § 50.20—rarely, if ever, assist physical development and therefore are not generally subject to compliance with the related Federal laws and authorities cited at § 50.4. The rule proposes additions to include simple transfers from the current list at § 50.20, for example, GNMA secondary mortgage market activities and interstate land sales disclosure. Other additions include assistance to control the effects of imminent threats to health and safety, activities related to assistance for homeownership, and HUD's acceptance for insurance of loans under Title I of the National Housing Act. Also, in response to deregulation goals, the proposed rule at § 50.19 would require HUD to prepare environmental assessments and findings of no significant impact on Departmental clearance documents only when they involve physical development.

• § 50.20: The NEPA categorical exclusions listed at § 50.20 do assist physical development and therefore are generally subject to compliance with the related Federal laws and authorities cited at § 50.4. An example of a new addition is any assistance for the removal of material and architectural barriers that restrict the mobility of and accessibility to the elderly and persons with disabilities. In making its determinations that an activity is excluded at § 50.20 and in compliance with the Federal laws and authorities cited at § 50.4, HUD will use new form HUD–4128 to replace both the current form HUD–4128 (an amended version of Appendix A of the current rule) and the current form HUD–4128.1 (issued 07/93) (an amended version of Appendix B of the current rule).

• Intergovernmental Review: HUD policy is to provide notices to the affected public and those who have requested them. The proposed rule would remove references in §§ 50.25 and 50.31 of the current interim rule which requires HUD to submit notices to the state process adopted under 24 CFR part 52, ''Intergovernmental Review of Departmental Programs.'' Because both part 52 and the underlying Executive Order 12372 are currently not in active use, HUD would provide notices only to state agencies requesting them. This would reduce unnecessary paperwork and acknowledge a decline in the state process, largely due to the fact that States and local governments have their own environmental review procedures, which regulate projects including those proposed by developers with HUD assistance. Also, for a number of years, HUD no longer is involved in programs that support large-scale new community and residential subdivision development having multi-jurisdictional impacts, which necessitated intergovernmental coordination and review.

Subpart E

• Compliance record for environmental assessment. To document the environmental assessment for projects, the proposed rule removes references to Appendix A of the current rule and states that HUD shall use form HUD–4128—Environmental Assessment and Compliance Findings for the Related Laws.

Subpart F

• EIS policy: Rarely do HUD approvals involve a major Federal action for which a detailed environmental impact statement is required under the National Environmental Policy Act. As a result, subpart F has become inactive. The proposed rule would address this matter by improving this subpart in the following ways. It would reduce duplication by eliminating the several sections of the current interim rule which repeat guidance found in 40 CFR part 1502. The duplicative guidance that is proposed for deletion includes the following sections: § 50.44 (Notice of intent to prepare an EIS); § 50.45 (Scoping, lead agencies and co-operating agencies); § 50.46 (Tiering); § 50.47 (Procedural requirements); § 50.48 (Adoption of other agencies' environmental impact statements); and § 50.49 (Use of prior environmental impact statements). The proposed change in no way diminishes the basic legal requirements under the removed sections, because § 50.1 of the proposed rule continues to incorporate the CEQ regulations, including the requirements of part 1502 with respect to EISs, by reference into part 50.

• Cases when an EIS is required. Because HUD's New Community Program no longer exists, the proposed rule would remove the reference to the normal EIS requirement for an amendment to a Development Plan for a new community.

• Emergencies. The proposed rule would broaden the concept of emergencies: (i) to include those other than national emergencies and disasters and cases of imminent threat to health and safety; and (ii) to apply to applicable § 50.4 authorities which provide for emergencies.

Appendices to 24 CFR 50

The proposed rule would remove dated Appendix A to Part 50 (Environmental Assessments for Subdivision and Multifamily Projects) and Appendix B to Part 50 (Compliance and LAC Conditions Record). The current rule references Appendices A (form HUD–4128) and B (form HUD–4128.1) for use by HUD for documenting environmental assessments and environmental reviews for categorical exclusions, respectively. Under the proposed rule, the two forms (last issued 07/93) would be simplified and combined into a new form HUD–4128—Environmental Assessment and Compliance Findings for Related Laws.

E. HUD Programs Subject to 24 CFR 50

HUD programs that lack specific authority for assigning the Federal environmental review responsibilities to recipients are presented below by the HUD office that administers the program, the program title, the program regulation part number of title 24 CFR, and the program number used in the Catalog of Federal Programs. This list is provided for the reader's convenience. Generally, this list covers all HUD programs other than those identified at § 58.1(b) of 24 CFR Part 58 (60 FR 49469). In addition to the programs listed below, part 50 applies to projects and activities carried out by recipients subject to environmental policy and procedures of 24 CFR part 58 in specific circumstances discussed at § 50.1(d) of this proposed rule. The following may not be an exhaustive list, but contains the principal HUD assistance programs subject to part 50.

Office of Community Planning and Development

- HOPE for Homeownership of Single Family Homes: HOPE 3 [572] 14.240
- Housing Opportunities for Persons with AIDS [574] 14.241
- Emergency Shelter Grants Program: Stewart B. McKinney Homeless Assistance Act [576] [Part 50 applies only to applicants that are private nonprofit organizations and to governmental entities with special or limited purpose powers] 14.231
- Supportive Housing Program [583] [Part 50 applies only to applicants that are private nonprofit organizations and to governmental entities with special or limited purpose powers] 14.235
- Shelter Plus Care [582] [Part 50 applies only to conditionally selected applications received from Public Housing Authority applicants] 14.238
- Opportunities for Youth: Youthbuild [585] 14.243
- John Heinz Neighborhood Development Program [594] 14.242
- Special Purpose Grants for Historically-Black Colleges and Universities [570.404] 14.237
- Base Closure Community Redevelopment and Homeless Assistance [586] 14.227

Office of Housing: Single Family Housing Programs

- HUD-Owned Single Family Property Disposition [291] 14.XXX

Office of Housing: Multifamily Housing Programs

- Multifamily Rental Housing for Moderate-Income Families: Section 221(d) (3) and (4) [221] 14.135
- Existing Multifamily Rental Housing: Section 223(f) [207.32a] 14.155
- Supportive Housing for the Elderly: Section 202 [889] 14.157
- Supportive Housing for Persons with Disabilities: Section 811 [890] 14.181
- Mortgage Insurance for Single Room Occupancy Projects: Section 221(d) pursuant to Section 223(g) [221.565] 14.135
- Mortgage Insurance for Nursing Homes, Intermediate Care Facilities, and Board and Care Homes: Section 232 [232] 14.129
- Supplemental Loans for Multifamily Projects: Section 241 [241] 14.151
- HOPE for Homeownership of Multifamily Units: HOPE 2 [Appendix B to Subtitle A of 24 CFR] 14.185
- Low-Income Housing Preservation and Resident Homeownership: Title VI [248 A] 14.187
- Emergency Low-Income Housing Preservation: Title II [248 B] 14.187
- Flexible Subsidy Program for Troubled Projects: Section 201 [219] 14.164
- Manufactured Home Parks: Section 207 Land development [207.33] 14.127
- Management and Disposition of HUD-owned Multifamily Projects [290] 14.XXX
- Mortgage Insurance for Housing for the Elderly: Section 231 [231] 14.138 [Not used. Instead Section 221(d)3 and (d)(4) are used.]
- Cooperative Housing: Section 213 [213] 14.126 [Authorized but not used. New construction and substantial rehabilitation cooperative projects are currently insured under Section 221(d)(3)]
- Multifamily Rental Housing: Section 207 [207] 14.134 [Not used. Instead Section 221(d)3 and (d)(4) are used.]
- Mortgage Insurance and Insured Improvement Loans for Urban Renewal and Concentrated Development Areas: Section 220 [220] 14.139 [Not frequently used]
- Group Practice Medical Facilities: Title XI [244] 14.116 [Not used in recent years]
- Nehemiah Housing Opportunity Grants Program [280] [No current funding]

Office of Public and Indian Housing

- HOPE for Public and Indian Housing Homeownership Program: [Appendix A to Subtitle A of 24 CFR] 14.858
- Public and Indian Housing Youth Sports Program [proposed 961.50] 14.863
- Public and Indian Housing Drug Elimination Program [961] 14.854
- Part 50 continues to be used, because the implementation of part 58 is delayed for the remaining Public housing programs until a Federal Register notice is published making part 58 effective or until October 14, 1996, whichever comes first:
- Public Housing Development [941] 14.850 and 14.851
- Public Housing Modernization [968] 14.852 and 14.859
- Demolition or Disposition of Public Housing Projects [970] 14.850

Office of Policy Research and Development

- CDBG Joint Community Development Program [570.411] 14.XXX [Part 50 applies only to applicants (e.g. to universities) that are not a State or unit of general local government.]

Findings and Other Matters

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, implementing section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332). The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410–0500.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, ''Federalism,'' has determined that the policies contained in this proposed rule have no federalism implications, and that the policies are not subject to review under the order. This proposed rule is limited to updating the Department's

implementation of its responsibilities for environmental review and decisionmaking under the National Environmental Policy Act and other related Federal environmental laws and authorities.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order, ''The Family,'' has determined that this proposed rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. No significant change in existing HUD policies or programs will result from promulgation of this proposed rule, as those policies and programs relate to family concerns.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)) has reviewed and approved this proposed rule, and in so doing certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities. This proposed rule would streamline 24 CFR part 50 and carry out the statutory mandate of the National Environmental Policy Act and the other Federal environmental laws and authorities listed in § 50.4.

Catalog of Federal Domestic Assistance (1994)

The program numbers are 14.128–14.900. Also see the above paragraph E.

List of Subjects in 24 CFR Part 50

Environmental quality, Environmental protection, Environmental review policy and procedures, Environmental assessment, Environmental impact statement, Compliance record.

For the reasons set forth in the preamble, part 50 of title 24 of the Code of Federal Regulations is proposed to be revised to read as follows:

PART 50—PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Subpart A—General: Federal Laws and Authorities

Sec.
50.1 Purpose, authority, and applicability.
50.2 Terms and abbreviations.
50.3 Environmental policy.
50.4 Related Federal laws and authorities.
50.5—50.9 [Reserved]

Subpart B—General Policy: Responsibilities and Program Coverage

50.10 Basic environmental responsibility.
50.11 [Reserved]
50.12 Responsibility of the HUD approving official.
50.13—50.15 [Reserved]

Subpart C—General Policy: Decision Points

50.16 Decision points for policy actions.
50.17 Decision points for projects.

Subpart D—General Policy: Environmental Review Procedures

50.18 General.
50.19 Categorical exclusions not subject to the Federal laws and authorities cited in § 50.4.
50.20 Categorical exclusions subject to the Federal laws and authorities cited in § 50.4.
50.21 Aggregation.
50.22 Environmental management and monitoring.
50.23 Public participation.
50.24 HUD review of another agency's EIS.
50.25—50.30 [Reserved]

Subpart E—Environmental Assessments and Related Reviews

50.31 The EA.
50.32 Responsibility for environmental processing.
50.33 Action resulting from the assessment.
50.34 Time delays for exceptional circumstances.
50.35 Use of prior environmental assessments.
50.36 Updating of environmental reviews.
50.37—50.40 [Reserved]

Subpart F—Environmental Impact Statements

50.41 EIS policy.
50.42 Cases when an EIS is required.
50.43 Emergencies.
50.44—50.50 [Reserved]

Authority: 42 U.S.C. 3535(d) and 4332; and Executive Order 11991, 3 CFR, 1977 Comp., p. 123.

Subpart A—General: Federal Laws and Authorities

§ 50.1 Purpose, authority, and applicability.

(a) This part implements the policies of the National Environmental Policy Act (NEPA) and other environmental requirements (as specified in § 50.4).

(b) NEPA, 42 U.S.C. 4321 *et seq.*, establishes national policy, goals and procedures for protecting, restoring and enhancing environmental quality. NEPA is implemented by Executive Order 11514 of March 5, 1970, (3 CFR, 1966–1970 Comp., p. 902) as amended by Executive Order 11991 of May 24, 1977, (3 CFR, 1977 Comp., p. 123) and by the Council on Environmental Quality (CEQ) Regulations, 40 CFR parts 1500 through 1508.

(c) The regulations issued by CEQ at 40 CFR parts 1500 through 1508 establish the basic procedural requirements for compliance with NEPA. These procedures are to be followed by all Federal agencies. This part, therefore, provides supplemental instructions to reflect the particular nature of HUD programs, and is to be used in tandem with 40 CFR parts 1500 through 1508 and regulations that implement authorities cited at § 50.4.

(d) The regulations in this part apply to all HUD policy actions (as defined in § 50.16), and to all HUD project actions (see § 50.2(a)(2)). Also, they apply to projects and activities carried out by recipients subject to environmental policy and procedures of 24 CFR part 58, when the recipient that is regulated under 24 CFR part 58 claims the lack of legal capacity to assume the Secretary's environmental review responsibilities and the claim is approved by HUD or when HUD determines to conduct an environmental review itself in place of a nonrecipient responsible entity. For programs, activities or actions not specifically identified or when there are questions regarding the applicability of this part, the Assistant Secretary for Community Planning and Development shall be consulted.

§ 50.2 Terms and abbreviations.

(a) The definitions for most of the key terms or phrases contained in this part appear in 40 CFR part 1508 and in the authorities cited in § 50.4. The following definitions also apply to this part:

(1) *HUD approving official* means the HUD official authorized to make the approval decision for any proposed policy or project subject to this part.

(2) *Project* means an activity, or a group of integrally-related activities, undertaken directly by HUD or proposed for HUD assistance or insurance.

(3) *Environmental review* means a process for complying with NEPA (through an EA or EIS) and/or with the laws and authorities cited in § 50.4.

(b) The following abbreviations are used throughout this part:

AS/CPD—Assistant Secretary for Community Planning and Development
CEQ—Council on Environmental Quality
CO—HUD Headquarters (Central Office)
DECO—Departmental Environmental Clearance Officer
EA—Environmental Assessment
EIS—Environmental Impact Statement
EPA—U.S. Environmental Protection Agency
FECO—Field Environmental Clearance Officer
FO—HUD Field Office
FONSI—Finding of No Significant Impact
HUD—Department of Housing and Urban Development
NEPA—National Environmental Policy Act
NOI/EIS—Notice of Intent to Prepare an Environmental Impact Statement
PECO—Program Environmental Clearance Officer
PHA—Public Housing Authority

§ 50.3 Environmental policy.

(a) It is the policy of the Department to reject proposals which have significant adverse environmental impacts and to encourage the modification of projects in order to enhance environmental quality and minimize environmental harm.

(b) The HUD approving official shall consider environmental and other Departmental objectives in the decisionmaking process.

(c) When EA's or EIS's or reviews under § 50.4 reveal conditions or safeguards that should be implemented once a proposal is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards must be included in agreements or other relevant documents.

(d) A systematic, interdisciplinary approach shall be used to assure the integrated use of the natural and social sciences and the environmental design arts in making decisions.

(e) Environmental impacts shall be evaluated on as comprehensive a scale as is practicable.

(f) HUD offices shall begin the environmental review process at the earliest possible time so that potential conflicts between program procedures and environmental requirements are identified at an early stage.

(g) Applicants for HUD assistance shall be advised of environmental requirements and consultation with governmental agencies and individuals shall take place at the earliest time feasible.

(h) For HUD grant programs in which the funding approval for an applicant's program must occur before the applicant's selection of properties, the application shall contain an assurance that the applicant agrees to assist HUD to comply with this part and that the applicant shall:

(1) Supply HUD with all available, relevant information necessary for HUD to perform for each property any environmental review required by this part;

(2) Carry out mitigating measures required by HUD or select alternate eligible property; and

(3) Not acquire, rehabilitate, convert, lease, repair or construct property, nor commit or expend HUD or local funds for these program activities with respect to any eligible property, until HUD approval of the property is received.

(i)(1) It is HUD policy that all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or the utilization of the property.

(2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards listed in paragraph (i)(1) of this section.

(3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites or other locations that contain hazardous wastes.

(4) HUD shall require the use of current techniques by qualified professionals to undertake investigations determined necessary.

§ 50.4 Related Federal laws and authorities.

HUD and/or applicants must comply, where applicable, with all environmental requirements, guidelines and statutory obligations under the following authorities and HUD standards:

(a) *Historic properties:* (1) The National Historic Preservation Act of 1966 as amended (16 U.S.C. 470 *et seq.*).

(2) Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (3 CFR, 1971–1975 Comp., p. 559).

(3) The Archaeological and Historic Preservation Act of 1974, which amends the Reservoir Salvage Act of 1960 (16 U.S.C. 469 *et seq.*).

(4) Procedures for the Protection of Historic and Cultural Properties (Advisory Council on Historic Preservation—36 CFR part 800).

(b) *Flood insurance, floodplain management and wetland protection:* (1) Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128) and the National Flood Insurance Reform Act of 1994 (Pub. L.103–325, 108 Stat. 2160).

(2) HUD Procedure for the Implementation of Executive Order 11988 of May 24, 1977 (3 CFR, 1977 Comp., p. 117)—24 CFR part 55, Floodplain Management.

(3) Executive Order 11990 of May 24, 1977 (Protection of Wetlands), (3 CFR, 1977 Comp., p. 121).

(c) *Coastal areas protection and management:* (1) The Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 (16 U.S.C. 3501 *et seq.*).

(2) The Coastal Zone Management Act of 1972 (16 U.S.C. 1451 *et seq.*), as amended.

(d) *Sole source aquifers:* The Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300 *et seq.,* and 21 U.S.C. 349), as amended. (See 40 CFR part 149.)

(e) *Endangered species:* The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), as amended. (See 50 CFR part 402.)

(f) *Wild and scenic rivers:* The Wild and Scenic Rivers Act (16 U.S.C 1271 *et seq.*), as amended.

(g) *Water quality:* The Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1251 *et seq.*), and later enactments.

(h) *Air quality:* The Clean Air Act (42 U.S.C. 7401 *et seq.*), as amended. (See 40 CFR parts 6, 51, and 93.)

(i) [Reserved]

(j) *Solid waste management:* (1) The Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 *et seq.*), and later enactments.

(2) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 *et seq.*).

(k) *Farmlands protection:* The Farmland Protection Policy Act of 1981 (7 U.S.C. 4201 *et seq.*). (See 7 CFR part 658.)

(l) *HUD environmental standards:* Applicable criteria and standards specified in HUD environmental regulations (24 CFR part 51).

(m) *Environmental justice:* Executive Order 12898—Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (3 CFR, 1994 Comp., p. 859).

§§ 50.5–50.9 [Reserved]

Subpart B—General Policy: Responsibilities and Program Coverage

§ 50.10 Basic environmental responsibility.

(a) It is the responsibility of all Assistant Secretaries, the General Counsel, and the HUD approving official to assure that the requirements of this part are implemented.

(b) The Assistant Secretary for Community Planning and Development (A/S CPD), represented by the Office of Community Viability, whose Director shall serve as the *DECO,* is assigned the overall Departmental responsibility for environmental policies and procedures for compliance with NEPA and the related laws and authorities. To the extent permitted by applicable laws and the CEQ regulations, the A/S CPD shall approve waivers and exceptions or establish criteria for exceptions from the requirements of this part.

§ 50.11 [Reserved]

§ 50.12 Responsibility of the HUD approving official.

(a) The HUD approving official shall make an independent evaluation of the environmental issues, take responsibility for the scope and content of the compliance finding, EA or EIS, and make the environmental finding, where applicable. (Also, see § 50.32.)

(b) Copies of environmental reviews and findings shall be maintained in the project file for projects, in the Rules Docket files for Federal Register publications, and in program files for non-Federal Register policy documents.

§§ 50.13–50.15 [Reserved]

Subpart C—General Policy: Decision Points

§ 50.16 Decision points for policy actions.

Either an EA and FONSI or an EIS on all policy actions not meeting the criteria of § 50.19 shall be completed prior to the approval action. Policy actions include all proposed Federal Register policy documents and other policy-related Federal actions (40 CFR 1508.18). The decision as to whether a proposed policy action is categorically excluded from an EA shall be made by the PECO as early as possible. Where the PECO has any doubt as to whether a proposed action qualifies for exclusion, the PECO shall request a determination by the AS/CPD. The EA and FONSI may be combined into a single document.

§ 50.17 Decision points for projects.

Either an EA and FONSI or an EIS for individual projects shall be completed before the applicable program decision points described in this section for projects not meeting the criteria of § 50.20. Compliance with applicable authorities cited in § 50.4 shall be completed before the applicable program decision points described in this section unless the project meets the criteria for exclusion under § 50.19.

(a) *New Construction.* (1) Project mortgage insurance or other financial assistance for multifamily housing projects (including Sections 202 and 811), nursing homes, group practice facilities and manufactured home parks: Issuance of Site Appraisal and Market Analysis (SAMA) Letter or initial equivalent indication of HUD approval of a specific site;

(2) Public Housing: PHA proposal approval.

(b) *Rehabilitation.* Rehabilitation Projects: Use the decision points under ''new construction'' for HUD programs cited in paragraph (a) of this section; otherwise the decision point is the HUD project approval.

(c) *Public Housing Programs.* Modernization Programs: HUD approval of the modernization grants.

(d) *Property Disposition.* (1) Vacant land and one to four family structures: HUD approval of the Disposition Program.

(2) Multifamily structures, college housing, nursing homes, manufactured homes and parks, group practice facilities: HUD approval of the Disposition Program.

(e) *HUD programs subject to 24 CFR part 58.* For cases in which HUD exercises environmental responsibility under this part where a recipient lacks legal capacity to do so or HUD determines to do so in place of a nonrecipient responsible entity under 24 CFR part 58 (see § 50.1(d)), the decision point is: HUD's execution of an agreement or contract, whichever comes first, or in the case of Section 8 Project-Based Certificate Assistance and Moderate Rehabilitation, HUD notification to the PHA to proceed with execution of an Agreement to Enter into Housing Assistance Payments (HAP) Contract.

(f) Notwithstanding the other paragraphs of this section, the decision point for grant programs in which HUD approval of funding for an applicant's program must occur before the applicant's selection of properties for use in its program is: HUD approval of specific properties (see § 50.3(h)).

(g) *Steward B. McKinney Homeless Assistance Act Programs.* Where the recipients are nonprofit organizations or governmental entities with special or limited purpose powers, the decision point is: HUD project approval.

(h) *Programs not specifically covered in this section.* Consult with the AS/CPD for decision points.

Subpart D—General Policy: Environmental Review Procedures

§ 50.18 General.

HUD may, from time to time, complete programmatic reviews that further avoid the necessity of complying with the laws and authorities in § 50.4 on a property-by-property basis.

§ 50.19 Categorical exclusions not subject to the Federal laws and authorities cited in § 50.4.

(a) The activities listed in this section are not subject to the individual compliance requirements of the Federal laws and authorities cited in § 50.4, unless otherwise indicated in this section. These activities are also categorically excluded from the EA required by NEPA except in extraordinary circumstances (§ 50.20(b)). HUD approval or implementation of these categories of activities and related policy actions does not require environmental review, because they do not alter physical conditions in a manner or to an extent that would require review under NEPA or the other laws and authorities cited at § 50.4.

(b)(1) Environmental and other studies, resource identification and the development of plans and strategies.

(2) Information and financial advisory services.

(3) Administrative and management activities by HUD clients.

(4) Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs.

(5) Inspections and testing of properties for hazards or defects.

(6) Purchase of insurance.

(7) Purchase of tools.

(8) Engineering or design costs.

(9) Technical assistance and training.

(10) Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair or restoration activities necessary only to control or arrest the effects from disasters, imminent threats or physical deterioration.

(11) Tenant-based rental assistance.

(12) Supportive services including, but not limited to, health care, housing services, permanent housing placement, day care, nutritional services, short-term payments for rent/mortgage/utility costs, and assistance in gaining access to local, State, and Federal government benefits and services.

(13) Operating costs including maintenance, security, operation, utilities, furnishings, equipment, supplies, staff training and recruitment and other incidental costs; however, in the case of equipment, compliance with § 50.4(b)(1) is required.

(14) Economic development activities, including but not limited to, equipment purchase, inventory financing, interest subsidy, operating expenses and similar costs not associated with construction or expansion of existing operations; however, in the case of equipment purchase, compliance with § 50.4(b)(1) is required.

(15) Activities to assist homeownership of existing dwelling units, including closing costs and down payment assistance to home buyers,

interest buydowns and similar activities that result in the transfer of title to a property; however, compliance with § 50.4 (b)(1) and (c)(1), and 24 CFR 51.303(a)(3) is required.

(16) Housing pre-development costs including legal, consulting, developer and other costs related to site options, project financing, administrative costs and fees for loan commitments, zoning approvals, and other related activities which do not have a physical impact.

(17) HUD's endorsement of one-to-four family mortgage insurance under the Direct Endorsement program and HUD's acceptance for insurance of loans under Title I of the National Housing Act; however, compliance with § 50.4 (b)(1) and (c)(1), and 24 CFR 51.303(a)(3) is required.

(18) HUD's endorsement of one-to-four family mortgage insurance for proposed construction under Improved Area processing, however, the Appraiser/Review Appraiser Checksheet (Form HUD–54891) must be completed.

(19) Activities of the Government National Mortgage Association under Title III of the National Housing Act, 12 U.S.C. 1716 *et seq.*

(20) Activities under the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 *et seq.*).

(c)(1) Approval of policy documents that do not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate property acquisition, disposition, lease, rehabilitation, alteration, demolition, or new construction, or set out or provide for standards for construction or construction materials, manufactured housing, or occupancy.

(2) Approval of policy documents that amend a previous document where the underlying document as a whole would not fall within the exclusion but the amendment by itself would do so.

(3) Approval of policy documents that set out fair housing or nondiscrimination standards or provide for assistance in promoting or enforcing fair housing or nondiscrimination.

(4) Approval of handbooks, notices and other documents that provide operating instructions and procedures in connection with activities under a Federal Register document that has previously been subject to a required environmental review.

(5) Approval of a Notice of Funding Availability (NOFA) that provides funding under, and does not alter environmental requirements of, a regulation or program guideline that was previously published in the Federal Register, provided that the NOFA specifically refers to the environmental review provisions of the regulation or guideline;

(6) Statutorily required and/or discretionary establishment and review of interest rates, loan limits, building cost limits, prototype costs, fair market rent schedules, HUD-determined prevailing wage rates, and similar rate and cost determinations and related external administrative or fiscal requirements or procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites.

§ 50.20 Categorical exclusions subject to the Federal laws and authorities cited in § 50.4.

(a) The following actions, activities and programs are categorically excluded from the NEPA requirements of this part. However, they are not excluded from individual compliance requirements of other environmental statutes, Executive orders and HUD standards cited in § 50.4, where appropriate. Form HUD–4128 shall be used to document compliance. Where the responsible official determines that any item identified in this paragraph may have an environmental effect because of extraordinary circumstances (40 CFR 1508.4), the requirements of NEPA shall apply (see paragraph (b) of this section).

(1) Special projects directed to the removal of material and architectural barriers that restrict the mobility of and accessibility to elderly and persons with disabilities.

(2) Rehabilitation of structures when the following conditions are met:

(i) In the case of residential buildings, the unit density is not changed more than 20 percent;

(ii) The project does not involve changes in land use (from non-residential to residential or from residential to non-residential); and

(iii) The estimated cost of rehabilitation is less than 75 percent of the total estimated cost of replacement after rehabilitation.

(3) An individual action on a one- to four-family dwelling or an individual action on a project of five or more units developed on scattered sites when the sites are more than 2,000 feet apart and there are not more than four units on any one site.

(4) Acquisition or disposition of, or equity loans on, an existing structure.

(5) Purchased or refinanced housing and medical facilities under section 223(f) of the National Housing Act (12 U.S.C. 1715n).

(6) Mortgage prepayments or plans of actions (including incentives) under 24 CFR part 248.

(b) For categorical exclusions having the potential for significant impact because of extraordinary circumstances, HUD must prepare an EA in accordance with subpart E of this part. If it is evident without preparing an EA that an EIS is required pursuant to § 50.42, HUD should proceed directly to the preparation of an EIS in accordance with subpart F of this part.

§ 50.21 Aggregation.

Activities which are geographically related and are logical parts of a composite of contemplated HUD projects shall be evaluated together.

§ 50.22 Environmental management and monitoring.

An Environmental Management and Monitoring Program shall be established prior to project approval when it is deemed necessary by the HUD approving official. The program shall be part of the approval document and must:

(a) Be concurred in by the FECO and any cooperating agencies;

(b) Contain specific standards, safeguards and commitments to be completed during project implementation;

(c) Identify the staff who will be responsible for the post-approval inspection; and

(d) Specify the time periods for conducting the evaluation and monitoring the applicant's compliance with the project agreements.

§ 50.23 Public participation.

HUD shall inform the affected public about NEPA-related hearings and public meetings and environmental documents. Where project actions result in a FONSI, the FONSI will be available in the project file. In all cases, HUD shall mail notices to those who have requested them. Additional efforts for involving the public in specific notice or compliance requirements shall be made in accord with the NEPA-related laws and authorities and their implementing procedures cited in § 50.4.

(a) A NOI/EIS shall be forwarded to the AS/CPD to the attention of the DECO for publication in the Federal Register.

(b) Notices will be bilingual if the affected public includes a significant portion of non-English speaking persons and will identify a date when the official public involvement element of the proposed action is to be completed and HUD internal processing is to continue.

(c) All notices shall be published in an appropriate local printed news

medium, and sent to individuals and groups known to be interested in the proposed action.

(d) All notices shall inform the public where additional information may be obtained.

§ 50.24 HUD review of another agency's EIS.

Where another agency's EIS is referred to the HUD FO in whose jurisdiction the project is located, the FECO shall determine whether HUD has an interest in the EIS and, if so, will review and comment. Any EIS received from another Federal agency requesting comment on legislative proposals, regulations, or other policy documents shall be sent to the AS/CPD for comment, and the AS/CPD shall provide the General Counsel the opportunity for comment.

§§ 50.25–50.30 [Reserved]

Subpart E—Environmental Assessments and Related Reviews

§ 50.31 The EA.

(a) *Form HUD–4128—Environmental Assessment and Compliance Findings for the Related Laws* is the EA form to be used for analysis and documentation by HUD for projects and activities under subpart E of this part. The DECO shall approve the issuance of equivalent formats, if Form HUD–4128 does not meet specific program needs.

(b) The program representative shall obtain interdisciplinary assistance from professional experts and other HUD staff as needed. Additional information may also be requested of the sponsor/applicant. HUD is responsible for assessing and documenting the extent of the environmental impact.

§ 50.32 Responsibility for environmental processing.

The program staff in the HUD office responsible for processing the project application or recommending a policy action is responsible for conducting the compliance finding, EA, or EIS. The collection of data and studies as part of the information contained in the environmental review may be done by an applicant or the applicant's contractor. The HUD program staff may use any information supplied by the applicant or contractor, provided HUD independently evaluates the information, will be responsible for its accuracy, supplements the information, if necessary, to conform to the requirements of this part, and prepares the environmental finding. Assessments for projects over 200 lots/dwelling units or beds shall be sent to the FECO or, in the absence of a FECO, to the PECO for review and comment.

§ 50.33 Action resulting from the assessment.

(a) A proposal may be accepted without modifications if the EA indicates that the proposal will not significantly (see 40 CFR 1508.27) affect the quality of the human environment and a FONSI is prepared.

(b) A proposal may be accepted with modifications provided that:

(1) Changes have been made that would reduce adverse environmental impact to acceptable and insignificant levels; and

(2) An Environmental Management and Monitoring Program is developed in accordance with § 50.22 when it is deemed necessary by the HUD approving official.

(c) A proposal should be rejected if significant and unavoidable adverse environmental impacts would still exist after modifications have been made to the proposal and an EIS is not prepared.

(d) A proposal (if not rejected) shall require an EIS if the EA indicates that significant environmental impacts would result.

§ 50.34 Time delays for exceptional circumstances.

(a) Under the circumstances described in this section, the FONSI must be made available for public review for 30 calendar days before a final decision is made whether to prepare an EIS and before the HUD action is taken. The circumstances are:

(1) When the proposed action is, or is closely similar to, one which normally requires the preparation of an EIS pursuant to § 50.42(b) but it is determined, as a result of an EA or in the course of preparation of a draft EIS, that the proposed action will not have a significant impact on the human environment; or

(2) When the nature of the proposed action is without precedent and does not appear to require more than an assessment.

(b) In such cases, the FONSI must be concurred in by the AS/CPD and the PECO. Notice of the availability of the FONSI shall be given to the public in accordance with paragraphs (a) through (d) of § 50.23.

§ 50.35 Use of prior environmental assessments.

When other Federal, State, or local agencies have prepared an EA or other environmental analysis for a proposed HUD project, these documents should be requested and used to the extent possible. HUD must, however, conduct the environmental analysis and prepare the EA and be responsible for the required environmental finding.

§ 50.36 Updating of environmental reviews.

The environmental review must be re-evaluated and updated when the basis for the original environmental or compliance findings is affected by a major change requiring HUD approval in the nature, magnitude or extent of a project and the project is not yet complete. A change only in the amount of financing or mortgage insurance involved does not normally require the environmental review to be re-evaluated or updated.

§§ 50.37–50.40 [Reserved]

Subpart F—Environmental Impact Statements

§ 50.41 EIS policy.

EIS's will be prepared and considered in program determinations pursuant to the general environmental policy stated in § 50.3 and 40 CFR 1505.2(b) and (c).

§ 50.42 Cases when an EIS is required.

(a) An EIS is required if the proposal is determined to have a significant impact on the human environment pursuant to subpart E of this part.

(b) An EIS will normally be required if the proposal:

(1) Would provide a site or sites for nursing homes containing a total of 2,500 or more beds; or

(2) Would remove, demolish, convert, or substantially rehabilitate 2,500 or more existing housing units (but not including rehabilitation projects categorically excluded under § 50.20), or which would result in the construction or installation of 2,500 or more housing units, or which would provide sites for 2,500 or more housing units.

(c) When the environmental concerns of one or more Federal authorities cited in § 50.4 will be affected by the proposal, the cumulative impact of all such effects should be assessed to determine whether an EIS is required. However, where all of the affected authorities provide alternative procedures for resolution, those procedures should be used in lieu of an EIS.

§ 50.43 Emergencies.

In cases of national emergency and disasters or cases of imminent threat to health and safety or other emergency which require the taking of an action with significant environmental impact, the provisions of 40 CFR 1506.11 and of any applicable § 50.4 authorities which provide for emergencies shall apply.

§§ 50.44—50.50 [Reserved]

Dated: February 26, 1996.

Henry G. Cisneros,
Secretary.

[FR Doc. 96–8379 Filed 4–4–96; 8:45 am]
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federal register

Friday
April 5, 1996

Part III

Department of Housing and Urban Development

24 CFR Part 0

Office of the Secretary; Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 0

[Docket No. FR–3331–F–02]

RIN 2501–AB55

Office of the Secretary; Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development

AGENCY: Office of the Secretary, (HUD).

ACTION: Final rule.

SUMMARY: This final rule issued by the Department of Housing and Urban Development (Department) removes the current text of 24 CFR part 0, and replaces it with a single section that provides a cross-reference to 5 CFR parts 2634 and 2635.

EFFECTIVE DATE: May 6, 1996.

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Assistant General Counsel, Ethics Law Division, at (202) 708–3815, or Sam E. Hutchinson, Associate General Counsel, Office of Human Resources Law, (202) 708–0888; 451 Seventh Street SW., Washington, DC 20410. Hearing or speech-impaired individuals may call HUD's TDD number (202) 708–3259. (Telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: As proposed in a rule published on June 30, 1995 (60 FR 34420), the Department is here removing its superseded Standards of Conduct at 24 CFR part 0 and is replacing those provisions with a single section that provides a cross-reference to 5 CFR parts 2634 and 2635. The one comment received on the proposed rule will be addressed in a subsequent rule.

Other Matters

Regulatory Flexibility Act

The Secretary in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule would not have a significant economic impact on a substantial number of small entities because it would affect only Federal employees.

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(k) of the HUD regulations, the policies and procedures contained in this rule relate only to internal administrative procedures whose content does not constitute a development decision nor affect the physical condition of project areas or building sites, and therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies contained in this rule will not have substantial direct effects on States or their political subdivisions, or the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of government. Specifically, this rule is only directed toward Federal employees and would not alter the established roles of HUD and the States and local governments. As a result, the rule is not subject to review under the order.

Executive Order 12606, The Family

The General Counsel, as the Designated Official under Executive Order 12606, *The Family,* has determined that this rule does not have potential for significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the order. No significant change in existing HUD policies or programs would result from promulgation of this rule, as those policies and programs relate to family concerns.

List of Subjects in 24 CFR Part 0

Administrative practice and procedure, Conflict of interests.

Accordingly, for the reasons set forth in the preamble, part 0 of title 24 of the Code of Federal Regulations is revised to read as follows:

PART 0—STANDARDS OF CONDUCT

Sec.

0.1 Cross-reference to employees ethical conduct standards and financial disclosure regulations.

Authority: 5 U.S.C. 7301; 42 U.S.C. 3535(d).

§ 0.1 Cross-reference to employees ethical conduct standards and financial disclosure regulations.

Employees of the Department of Housing and Urban Development (Department) are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635 and the executive branch-wide financial disclosure regulation at 5 CFR part 2634.

Dated: March 29, 1996.

Henry G. Cisneros,

Secretary.

[FR Doc. 96–8380 Filed 4–4–96; 8:45 am]

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federal register

Friday
April 5, 1996

Part IV

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Draft Guideline on Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs; Availability; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 96D–0041]

International Conference on Harmonisation; Draft Guideline on Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a draft guideline entitled ''Clinical Safety Data Management: Periodic Safety Update Reports For Marketed Drugs.'' The draft guideline was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The draft guideline provides a unified standard for the format, content, and reporting frequency for postmarketing periodic safety update reports. The draft guideline also provides definitions and terms for key aspects of postmarketing periodic safety reporting. The guideline is intended to help harmonize collection and submission of postmarketing clinical safety data.

DATES: Written comments by July 5, 1996.

ADDRESSES: Submit written comments on the draft guideline to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm.1–23, Rockville, MD 20857. Copies of the draft 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: Murray M. Lumpkin, Center for Drug Evaluation and Research (HFD–2), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6740.

Regarding the ICH: Janet J. Showalter, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

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.

At a meeting held on November 29, 1995, the ICH Steering Committee agreed that a draft guideline entitled ''Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs'' should be made available for public comment. The draft guideline is the product of the Efficacy Expert Working Group of the ICH. Comments about this draft will be considered by FDA and the Efficacy Expert Working Group. Ultimately, FDA intends to adopt the ICH Steering Committee's guideline and to amend its regulations to fully implement the guideline. Until such time as the agency's regulations are amended, sponsors must continue to comply with the existing regulations.

The draft guideline provides guidance on the content, format, and reporting frequency for postmarketing periodic safety update reports. The draft guideline also defines basic terms for postmarketing periodic reporting, such as ''company core data sheet,'' ''company core safety information,'' ''data lock-point (data cut-off date),'' ''international birth date,'' ''listed adverse drug reaction,'' ''spontaneous adverse drug reaction report (spontaneous notification),'' and ''unlisted adverse drug reaction.'' The draft guideline is designed primarily for medicinal products authorized recently or in the future. It is most relevant for products marketed in more than one ICH country.

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 for or on any person and does not operate to bind FDA, it does represent the agency's current thinking on periodic safety update reports for marketed drugs.

Interested persons may, on or before July 5, 1996, submit written comments on the draft 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 draft 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 draft guideline follows:

Clinical Safety Data Management: Periodic Safety Update Reports for Marketed Drugs

1. Introduction

1.1 Objectives of the guideline

The main objective of ICH is to harmonize technical requirements before registration or marketing approval. However, because new products are introduced at different times in different markets and the same product may be marketed in one or more countries and still be under development in others, reporting and use of clinical safety information should be regarded as part of a continuum. The ICH Steering Committee has decided that the harmonization of format, content, and time span covered in periodic safety update reports for marketed drugs should be addressed by ICH, as an extension of the ICH topic on Clinical Safety Data

Management: Definitions and Standards for Expedited Reporting.

The regulatory requirements, particularly regarding frequency of submission and content of periodic safety updates, are not the same in the three regions. To avoid duplication of effort and to ensure that important data are submitted with consistency to competent authorities, it is proposed to establish an international consensus on the format and content for periodic safety updates of marketed medicinal products.

1.2 Background

When a new medicinal product is submitted for marketing approval, the demonstration of its efficacy and the evaluation of its safety are based at most on several thousand patients, except in special situations. The limited number of patients included in clinical trials, the exclusion at least initially of patients at-risk, the lack of significant long-term treatment experience, and the limitation of concomitant therapies do not allow a thorough evaluation of the safety profile. Under such circumstances, the detection or confirmation of rare adverse reactions is particularly difficult, if not impossible.

Medicinal products must be closely monitored, especially during the first years of commercialization to develop a comprehensive picture of clinical safety. Surveillance of marketed drugs is a shared responsibility between regulatory authorities and marketing authorization holders (MAH). They record information on drug safety from different sources, and procedures have been developed to ensure timely detection and mutual exchange of safety data. Because all information cannot be evaluated with the same degree of priority, regulatory authorities have defined the information to be submitted on an expedited basis; in most countries this rapid transmission is usually focused on the expedited reporting of adverse drug reactions (ADR's) that are both serious and unexpected.

Reevaluation of the benefit/risk ratio of a drug is usually not possible for each individual ADR case, even if serious. Therefore, periodic safety update reports (PSUR's) present the worldwide safety experience of a medicinal product at defined times postauthorization to:

- Report all the relevant new information from appropriate sources;
- Relate these data to patient exposure;
- Summarize the market authorization status in different countries and any significant variations related to safety;
- Create periodically the opportunity for an overall safety reevaluation;
- Decide whether changes should be made to product information to optimize the use of the product.

However, if the PSUR's required in the different countries where the product is on the market require a different format, content, period covered, and filing date, MAH would be forced to prepare on an excessively frequent basis different reports for the same product. In addition, under such conditions, different regulators could receive different kinds and amounts of information at different times. Thus, efforts are needed to harmonize the requirements for PSUR's, which will also improve the efficiency with which they are produced.

The current situation for periodic safety reports on marketed drugs is different among the three ICH regions. For example:

- The United States requires quarterly reports during the first 3 years, then annual reports. FDA has recently published proposed rules [1] that take into account the Council for International Organizations of Medical Sciencesse (CIOMS) Working Group II proposals. [2]
- In the European Union, Council Directive 93/39/EEC and Council Regulation 2309/93 require reports with a periodicity of 6 months for 2 years, annually for the 3 following years, and then every 5 years.
- In Japan, the authorities require a survey on a cohort of a few thousand patients established by a certain number of identified institutions during the 6 years following authorization. Systematic information on this cohort, taking into account a precise denominator, must be reported annually. Regarding other marketing experience, ADR's that are both nonserious and unlabeled must be reported every 6 months for 3 years and annually thereafter.

Following a discussion of the objectives and general principles for preparing and submitting PSUR's, a model for their format and content is presented.

Appended is a glossary of important relevant terms.

1.3 Scope of the Guideline

This guideline on the format and content of PSUR's is designed primarily for medicinal products approved/authorized recently or in the future.

Although this guideline could be applied to other drugs, modifications in accord with local regulations may be appropriate. (See section 1.4.4 for additional discussion.)

This guideline is most relevant to products marketed in more than one ICH country.

1.4 General Principles

1.4.1 One report for one active substance

Ordinarily, all dosage forms and formulations as well as indications for a given pharmacologically active substance should be covered in one PSUR. Separate presentations of data for different dosage forms, indications, or populations (e.g., children versus adults) may be appropriate.

For combinations of substances also marketed individually, safety information for the fixed combination might be reported either separately or included in the reports for each of the separate components, depending on the circumstances. Cross-referencing the relevant reports is appropriate.

1.4.2 General scope of information

With the exception of regulatory status information on authorization applications and renewals, which should be cumulative, all relevant clinical and nonclinical safety data should cover only the period of the report (interval data).

The main focus of the report should be ADR's. For spontaneous reports, unless indicated otherwise by the reporting health-care professional, all adverse experiences should be assumed to be ADR's; for clinical study and literature cases, only those judged not related to the drug by both the reporter and the manufacturer/sponsor should be excluded.

Lack of efficacy, especially in the treatment of serious or life-threatening conditions, may be reported as a ''safety issue.'' These types of cases, especially if isolated, are not expected to be included in the PSUR ADR data presentation (e.g., line listings or summary tabulations). However, such findings should be discussed somewhere within a PSUR, particularly if they represent a potential risk to the treated population (see section 2.8.1).

An increase in the frequency of reports for known ADR's has traditionally been considered as relevant new information. Although attention should be given in the PSUR to such increased reporting, no specific quantitative criteria or other rules are recommended. Judgment should be used in such situations to determine whether the data reflect a meaningful change in ADR occurrence or safety profile.

1.4.3 Products manufactured and/or marketed by more than one company

Each MAH is responsible for submitting PSUR's, even if different companies market the same product in the same country. When companies are involved in contractual relationships (e.g., licensor-licensee), respective responsibilities for sharing safety information and for safety reporting to regulators should be clearly specified between the parties to ensure that all relevant data are duly reported to appropriate regulatory authorities.

When available data received from partner company(ies) might contribute meaningfully to the safety analysis and influence any proposed or effected changes in the reporting company's product information, these relevant data should be summarized in a PSUR even if it is known that they are included in another company's PSUR.

1.4.4 International birthdate and frequency of review and reporting

Each medicinal product should have as an international birth date (IBD) the date of a company's first marketing authorization in any country in the world. When a report contains information on different dosage forms, formulations, or uses (indications, routes, populations), the date of the first marketing authorization for any of the various authorizations should be regarded as the IBD and, therefore, determine the data lock point for purposes of the unified PSUR. The data lock point is the date designated as the cutoff for data to be included in a PSUR. During the initial years of marketing, the MAH should generally freeze its data base (and have a data lock point) every 6 months thereafter.

The need for a report and the frequency of report submission to authorities are subject to

[1] Adverse experience reporting requirements for human drug and licensed biological products; proposed rule, Federal Register, October 27, 1994 (59 FR 54046 to 54064).

[2] International reporting of periodic drug-safety update summaries; final report of CIOMS, Working Group II, CIOMS, Geneva, 1992.

local regulatory requirements. However, independent of the required reporting frequency, preparation of PSUR's for all regulatory authorities should be based on data sets of 6 months or multiples thereof.

The age of a drug on the market may influence this process; during the initial years of marketing, a drug will ordinarily receive authorizations at different times in different countries. It is during this early period that harmonization of reporting is particularly important. Once a drug has been marketed for several years, the need for a comprehensive PSUR may be reviewed, depending on local regulations or requests, while maintaining one IBD for all regulatory authorities.

In addition, approvals beyond the initial one for the active substance may be granted for new indications, dosage forms, populations, or prescription status (e.g., children versus adults; prescription to nonprescription status). The potential consequences on the safety profile raised by such new types and extent of population exposures may influence the requirements for periodic reporting.

The MAH should submit a PSUR within 60 days of the data lock point.

1.4.5 Reference product information

The objective of a PSUR is to establish whether information recorded during the reporting period is in accord with previous knowledge on the drug's safety, and to decide whether changes should be made to product information. Reference information is needed to perform this comparison. In addition, having one reference source of information in common for the three ICH regions will facilitate a practical, efficient, and consistent approach to the safety evaluation and make the PSUR a unique report accepted in all areas.

Based on the common practice for MAH's to prepare their own ''Company Core Data Sheet''(CCDS), a practical option for the purpose of periodic reporting is to use, as a reference, the safety information contained within that central document. In addition to this safety information, a full company CCDS covers material relating to indications, dosing, pharmacology, and other areas that are not necessarily safety related. Reference safety information will therefore be referred to as ''Company Core Safety Information'' (CCSI).

For purposes of periodic safety reporting, CCSI forms the basis for determining whether an ADR is already ''Listed'' or is still ''Unlisted,'' terms that are introduced to distinguish them from the usual terminology of ''expectedness'' or ''labeledness'' that is used in association with official labeling. Thus, the local approved product information continues to be the reference document upon which labeledness/ expectedness is based for the purpose of ''expedited'' postmarketing safety reporting.

1.4.6 Presentation of data on individual case histories sources of information

Generally, data from the three following sources of ADR case information are potentially available to a MAH and could be included in the PSUR:

(a) Direct reports to MAH (or under MAH control):

• Spontaneous notifications from health care professionals;
• Spontaneous notifications from nonhealth care professionals or from consumers (nonmedically substantiated);
• MAH-sponsored clinical studies or named-patient (''compassionate'') use.

(b) Literature.

(c) Other sources: Regulatory authorities; data from exchange between contractual partners (e.g., licensors-licensees) holding their own marketing authorizations; special registries such as organ toxicity monitoring centers, poison control centers, and epidemiological data bases.

Description of the reaction

Until an internationally agreed coding terminology (dictionary) is available and its use broadly implemented, the event terms used in the PSUR will generally be derived from whatever standard terminology (''controlled vocabulary'' or ''coding dictionary'') is used by the reporting company (e.g., WHO–ART, COSTART).

Whenever possible, the notifying reporter's event terms should be used to describe the ADR. However, when the notifying reporter's terms are not medically appropriate or meaningful, MAH's should use the best alternative compatible event terms from their ADR dictionaries to ensure the most accurate representation as possible of the original terms. Under such circumstances, the following should be borne in mind:

• To make it available on request, the ''verbatim'' information supplied by the notifying reporter should be kept on file (in the original language and/or as a medically sound English translation, if applicable).
• In the absence of a diagnosis by the reporting health-care professional, a suggested diagnosis for a symptom complex may be made by the MAH and used to describe a case, in addition to presenting the reported individual signs, symptoms, and laboratory data.
• If a MAH disagrees with a diagnosis that is provided by the notifying health care professional, it may indicate such disagreement within the line listing of cases (see below).
• It is incumbent on the MAH to report and try to understand all information provided within a case report, such as laboratory abnormalities possibly drug related but not identified as such by the notifying reporter.

Therefore, when necessary and relevant, two descriptions of the signs, symptoms, or diagnosis could be presented in the line listing: First, the reaction as originally reported; second, when it differs, the MAH's medical interpretation (identified by asterisk or other means).

Line listings and/or summary tabulations

Depending on their type or source, available ADR cases should be presented as individual case line listings and/or as summary tabulations.

A line listing provides key information but not necessarily all the details customarily collected on individual cases; however, it does serve to help regulatory authorities identify cases that they might wish to examine more completely by requesting full case reports.

There are other issues regarding the content of line listings:

• MAH's can prepare line listings of consistent structure and content for cases directly reported to them (or under their control) (see 1.4.6(a)); they can usually do the same for published cases (ordinarily well documented; if not, followup with the author is possible). However, inclusion of individual cases from second- or third-hand sources, such as contractual partners and special registries (see section 1.4.6(c)) might not be: (1) Possible without standardization of data elements, or (2) appropriate due to the paucity of information, and might represent unnecessary re-entry/reprocessing of such information by the MAH. Therefore, summary tabulations or possibly a narrative review of these data in these circumstances is acceptable.
• An exception to the above consideration is the case reports received directly by regulatory authorities (but not by MAH) that might be transmitted to the MAH.

In addition to individual case line listings, summary tabulations of the various signs, symptoms, and diagnoses across all patients should usually be presented to provide an overview. Such tabulations should be based on the data in line listings (e.g., all serious ADR's and all nonserious unlisted ADR's), but also on other sources for which line listings are not requested (e.g., nonserious listed ADR's). Details are found in Section 2.6.4.

It is worth noting that work in progress may in the future enable routine electronic transmission of detailed ADR case report information on a regular basis between MAH and regulatory authorities. When implemented, this may obviate the need for line listings within a PSUR, which for some products might be very extensive.

2. Model for a PSUR

The following sections are organized as a sample PSUR. In each of the sections, guidance is provided on what should be included:

Sample Title Page

• Periodic safety update report for: (product);
• MAH's name and address (corporate headquarters or other company entity responsible for report preparation);
• Period covered by this report: (dates);
• International birth date: date (country of IBD);
• Date of report;
• (Other identifying information at the option of MAH, such as report number).

Table of Contents for Model PSUR

• Introduction;
• Worldwide market authorization status;
• Update of regulatory authority or MAH actions taken for safety reasons;
• Changes to reference product information;
• Patient exposure;
• Presentation of individual case histories;
• Studies;
• Other information;
• Overall safety evaluation;
• Conclusion;
• Appendix: Company Core Data Sheet.

2.1 Introduction

The MAH should briefly introduce the product so that the report ''stands alone'' but is also placed in perspective relative to previous reports and circumstances.

Reference should be made not only to product(s) covered by the report but also those excluded. Exclusions should be explained; for example, they may be covered in a separate report (e.g., for a combination product).

If it is known that a PSUR on the same product(s) will be submitted by another MAH, some of whose data are included in the report (see section 1.4.6), the possibility of data duplication should be noted.

For multiple dosage forms, indications, populations, etc., one report is preferred in most cases. When appropriate, data presentations within the report may be separated accordingly.

2.2 Worldwide Market Authorization Status

This section of the report is ordinarily the only one that provides cumulative information.

Information should be provided, usually as a table, on all countries in which a regulatory decision about marketing has been made related to the following:

- Dates of market authorization or renewal;
- Any qualifications surrounding the authorization, such as limits on indications if relevant to safety;
- Treatment indications and special populations covered by the market authorization, when relevant;
- Lack of approval by regulatory authorities;
- Withdrawal by the applicant of a submission;
- Dates of launch when known;
- Trade name(s).

Typically, indications for use, populations treated (e.g., children versus adults), and dosage forms will be the same in many or even most countries where the product is authorized. However, when there are important differences, which would reflect different types of patient exposure, such information should be noted. This is especially true if there are meaningful differences in the newly reported safety information that are related to such different exposures. If more convenient and useful, separate regulatory status tables for different product uses or forms would be appropriate.

Country entries should be listed in chronological order of regulatory authorizations. For multiple authorizations in the same country (e.g., new dosage forms), the IBD for the active substance and for all PSUR's should be the first (initial) authorization date.

Table 1 is an example, with fictitious data for an antibiotic, of how a table might be organized. The drug was initially developed as a solid oral dosage form for outpatient treatment of adults with various infections.

2.3 Update of Regulatory Authority or MAH Actions Taken for Safety Reasons

This section should include details on the following types of activity during the reporting period:

- Application withdrawal or marketing authorization suspension;
- Failure to obtain a marketing authorization renewal;
- Restrictions on distribution;
- Clinical trial suspension;
- Dosage modification;
- Changes in target population or indications;
- Formulation changes.

The safety related reasons that led to these actions should be described, and documentation appended when appropriate.

2.4 Changes to Reference Product Information

The CCDS with its CCSI should be numbered and dated and include the date of last revision. The version in effect at the beginning of the period covered by the report should be used as a reference; a copy should be included as an appendix with the PSUR.

Changes to the CCSI, such as new contraindications, precautions, warnings, ADR's, or interactions, already made during the period covered by the report, should be clearly described, with presentation of the modified sections. The new document should be used as the reference for the next report and the next period.

With the exception of emergency situations, it may take some time before intended modifications are introduced in the product-information materials provided to prescribers, pharmacists, and consumers. Therefore, during that period the amended reference document (CCDS) may contain more ''listed'' information than the existing product information in many countries.

When meaningful differences exist between the CCSI and the safety information in the official data sheets/product information documents approved in a country, a brief comment should be prepared by the company, describing the local differences and their consequences on the overall safety evaluation and on the actions proposed or initiated. This commentary may be provided in the cover letter or other addendum accompanying the local submission of the PSUR.

2.5 Patient Exposure

Where possible, the estimation of patient exposure should cover the same period as the interim safety data. Ideally it should give the number of patients or prescriptions, and duration of exposure, data that are admittedly difficult to obtain and to validate. However, a reasonable method should be used with proper explanation and justification, particularly if it is not the same as used in the previous report(s). Attempts should be made to obtain the most useful and relevant quantification. Examples include patient-months or patient-days of exposure, number of dosage units by form and strength, or if other more precise measures are not available, bulk sales (tonnage). The concept of a defined daily dose may be used in arriving at exposure estimates.

If available, details by country (with locally recommended daily dose) or other segmentation (e.g., indication, dosage form) should be presented when relevant (e.g., when a pattern of reports indicates a potential problem).

When ADR data from clinical studies are included in the PSUR, the relevant denominator(s) should be provided. For ongoing and/or blinded studies, an estimation of patient exposure may be made.

2.6 Presentation of Individual Case Histories

2.6.1 General considerations

- Followup data on individual cases may be obtained subsequent to their inclusion in a PSUR. If such information is relevant to the interpretation of the case (significant impact on the case description or analysis, for example), the new information should be presented in the next PSUR, and the correction or clarification noted relative to the earlier case description.
- With regard to the literature, MAH's should monitor standard, recognized journals for safety information on their products and/or make use of one or more literature search/summary service(s) for that purpose. Published cases may also have been received as spontaneous cases, be derived from a sponsored clinical study, or arise from other sources. Care should be taken to include such cases only once. Also, no matter what ''primary source'' is given a case, if there is a publication, it should be noted and the literature citation given.
- In some countries, there is no requirement to submit medically unconfirmed spontaneous reports that originate with consumers or other nonhealth care professionals. However, such reports are acceptable or requested in other countries; therefore, medically unconfirmed reports should be submitted as addenda line listings and/or summary tabulations only on specific request by regulatory authorities.

2.6.2 Cases presented as line listings

The following types of cases should be included in the line listings (Table 2):

- All serious reactions, and nonserious unlisted reactions, from spontaneous notifications;
- All serious reactions (attributable by either investigator or sponsor), available from studies or named-patient (''compassionate'') use;
- All serious reactions, and nonserious unlisted reactions, from the literature;
- All serious reactions from regulatory authorities

Collection and reporting of nonserious, listed ADR's may not be required in all ICH countries. However, a line listing of spontaneously reported nonserious listed reactions that have been collected should be submitted as an addendum to the PSUR only when requested by a regulatory authority.

2.6.3 Presentation of the line listing

The line listing(s) should include each patient only once regardless of how many adverse event/reaction terms are reported for the case. If more than one adverse event/reaction term, they should all be mentioned but the case should be listed under the most serious presenting sign, symptom, or diagnosis, as judged by the MAH. The cases should be organized (tabulated) by body system (standard organ system classification scheme).

The following headings should usually be included in the line listing:

- MAH case reference number;
- Country in which case occurred;

- Source (e.g., clinical trial, literature, spontaneous, regulatory authority);
- Age and sex;
- Daily dose of suspected drug (and, when relevant, dosage form or route);
- Date of onset of the reaction. If not available, best estimate of time to onset from therapy initiation. For an ADR known to occur after cessation of therapy, estimate of time lag if possible (may go in Comments section);
- Dates of treatment. If not available, best estimate of treatment duration;
- Description of reaction as reported, and when necessary as interpreted by the MAH (English translation when necessary) (See section 1.4.6 for guidance.);
- Patient outcome (at case level) (e.g., resolved, fatal, improved, sequelae, unknown);
- Comments, if relevant (e.g., concomitant medications suspected to play a role in the reactions directly or by interaction; indication treated with suspect drug(s); dechallenge/rechallenge results if available).

Depending on the product or circumstances, it may be useful or practical to have more than one line listing, such as for different dosage forms or indications, if such differentiation facilitates presentation and interpretation of the data.

2.6.4 Summary tabulations

An aggregate summary for each of the line listings should usually be presented. These tabulations ordinarily contain more terms than patients. It would be useful to have separate tabulations (or columns) for serious reactions and for nonserious reactions, for listed and unlisted reactions; other breakdowns might also be appropriate (e.g., by source of report). (See Table 3 for an example of a data presentation.)

A summary tabulation should be provided for the nonserious, listed, spontaneously reported reactions. (See also section 2.6.2.)

The terms used in these tables should ordinarily be those used by the MAH to describe the case. (See section 1.4.6.)

Except for cases obtained from regulatory authorities, the data on serious reactions from other sources (see section 1.4.6(c)) generally should be presented only as a summary tabulation. If useful, the tabulations may be sorted by source of information or country, for example.

When the number of cases is very small, or the information inadequate for any of the tabulations, a narrative description rather than a formal table is suitable.

2.6.5 MAH's analysis of individual case histories

This section may be used for brief comments on the data concerning individual cases. For example, discussion can be presented on particular serious or unanticipated findings (e.g., their nature, medical significance, mechanism, reporting frequency). The focus here should be on individual case discussion and should not be confused with the global assessment in the Overall Safety Evaluation (section 2.9).

2.7 Studies

All completed studies (nonclinical, clinical, epidemiological) yielding safety information with potential impact on product information, and studies specifically planned or in progress that address safety issues, should be discussed.

2.7.1 Newly analyzed company-sponsored studies

All relevant studies containing important safety information and newly analyzed during the reporting period should be described, including those from epidemiological, toxicological, or laboratory investigations. The results should be clearly presented with attention to the usual standards of data analysis and description that are applied to nonclinical and clinical study reports. Copies of full reports should be appended only if deemed appropriate.

2.7.2 Targeted new safety studies planned, initiated, or continuing during the reporting period.

New studies specifically planned or conducted to examine a safety issue (actual or hypothetical) should be described (e.g., objective, starting date, projected completion date, number of subjects, protocol abstract).

When possible and relevant, interim results of ongoing studies may be presented. When completed and analyzed, the results should be presented in a subsequent PSUR as described under 2.7.1.

2.7.3 Published safety studies

Reports in the scientific and medical literature containing important safety findings (positive or negative) should be summarized. Published abstracts from relevant meetings should also be discussed.

2.8 Other Information

2.8.1 Efficacy-related information

Any information relating to a product's efficacy that has implications or consequences for safety should be described, such as unexpected significant lack of efficacy in the population under treatment for a life-threatening disease.

2.8.2 Late-breaking information

Any important, new information received after the data base was frozen for review and report preparation may be presented in this section. Examples include significant new cases or important followup data. These new data should be taken into account in the Overall Safety Evaluation (section 2.9).

2.9 Overall Safety Evaluation

A concise analysis of the data presented, followed by the MAH assessment of the significance of the data collected during the period, should highlight any new information on:

- Serious unlisted reactions;
- Nonserious unlisted reactions;
- An increased reporting frequency of listed reactions, including comments on whether it is believed the data reflect a meaningful change in ADR occurrence.

The report should also explicitly address any new safety issue or new information on the following (lack of significant new information should be mentioned for each):

- Drug interactions;
- Experience with overdose and its treatment;
- Drug abuse;
- Positive or negative experiences during pregnancy or lactation;
- Experience in special patient groups (e.g., children, elderly, organ impaired);
- Effects of long-term treatment.

2.10 Conclusion

The conclusion should:

- Indicate which safety data do not remain in accord with the previous cumulative experience, and with the reference safety information (CCSI);
- Specify and justify any action recommended or initiated.

Appendix: Company Core Data Sheet

The Company Core Data Sheet should be appended to the PSUR.

3. Glossary of Special Terms

Company Core Data Sheet (CCDS)–A document prepared by the MAH containing, in addition to all relevant safety information, material relating to indications, dosing, pharmacology, and other areas that are not necessarily safety related.

Company Core Safety Information (CCSI)–All relevant safety information contained in the CCDS prepared by the MAH and which the MAH requires to be listed in all countries where the company markets the drug, except when the local regulatory authority specifically requires a modification. It is the reference information by which listed and unlisted are determined for the purpose of periodic reporting for marketed products, but not by which expected and unexpected are determined for expedited reporting.

Data Lock Point (Data Cut-off Date)–The date designated as the cut-off date for data to be included in a PSUR. It is based on the International Birth Date (IBD) and should usually be in 6 monthly increments.

International Birth Date (IBD)–The date of first marketing authorization for a company's new medicinal product in any country in the world.

Listed Adverse Drug Reaction (ADR)–An ADR whose nature and severity are consistent with the information in the CCSI.

Spontaneous Adverse Drug Reaction Report or Spontaneous Notification–An unsolicited communication to a company, regulatory authority, or other organization that describes an adverse medical reaction in a patient given one or more medicinal products and which does not derive from a study or any organized data collection scheme.

Unlisted Adverse Drug Reaction–An ADR, the nature or severity of which is not consistent with the information included in the CCSI.

Table 1.—Example of Presentation of Worldwide Market Authorization Status

Country	Action-Date	Launch Date	Trade Name(s)	Comments
Sweden	A[1] - 7/90	12/90	Bacteroff	-
	AR - 10/95	-	-	-
Brazil	A - 10/91	2/92	Bactoff	-
	A - 1/93	3/93	Bactoff-IV	IV dosage form
United Kingdom	AQ - 3/92	6/92	Bacgone	Elderly (> 65) excluded (PK) Topical cream
	A - 4/94	7/94	Bacgone-C (skin infs)	
Japan	LA - 12/92	-	-	To be refiled
France	V - 9/92	-	-	Unrelated to safety
Nigeria	A - 5/93	7/93	Bactoff	-
	A - 9/93	1/94	Bactoff	New indication
Etc.				

[1]Abbreviations for Action: A = authorized; AQ = authorized with qualifications; LA: lack of approval; V = voluntary marketing application withdrawal by company; AR = Authorization renewal.

Table 2.—Presentation of Individual Case Histories
(See sections 2.6.2 and 2.6.4 for full explanation)

Source	Type of Case	Only Summary Tabulation	Line Listing and Summary Tabulation
1. Direct Reports to MAH			
• Spontaneous ADR reports[1]	S	-	+
	NS U	-	+
	NS L[2]	+	-
• MAH sponsored studies	SA	-	+
2. Literature	S	-	+
	NS U	-	+
3. Other sources			
• Regulatory Authorities	S	-	+
• Contractual partners	S	+	-
• Registries	S	+	-

[1]Medically unconfirmed reports should be provided as a PSUR addendum only on request, as a line listing and/or summary tabulation.
[2]Line listing provided as PSUR addendum only on request by regulatory authority. S = serious; L = listed; A = attributable to drug (by investigator or sponsor); NS = nonserious; U = unlisted.

Table 3.—Number of Reports by Term (Signs, Symptoms and Diagnoses) from Spontaneous (Medically Confirmed), Clinical Trial and Literature Cases: All Serious Reactions

Body system ADR term	Spontaneous/regulatory bodies	Clinical trials	Literature
CNS			
hallucinations[1]	2	0	0
etc.			
etc.			
————	----	----	----
Sub-total			
CV			
etc.			
etc.			
----	----	----	----
Sub-total			
Etc.			
TOTAL			

[1] Indicates an unlisted term

In a footnote (or elsewhere), the number of patient cases that represent the tabulated terms might be given (e.g., x-spontaneous/regulatory, y-clinical trial, and z-literature cases).

Dated: March 29, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8475 Filed 4–4–96; 8:45 am]

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federal register

Friday
April 5, 1996

Part V

Department of Health and Human Services

Food and Drug Administration

International Conference on Harmonisation; Guideline on Detection of Toxicity to Reproduction for Medicinal Products; Addendum on Toxicity to Male Fertility; Availability; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket No. 93D–0140]

International Conference on Harmonisation; Guideline on Detection of Toxicity to Reproduction for Medicinal Products: Addendum on Toxicity to Male Fertility; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is publishing a guideline entitled ''Detection of Toxicity to Reproduction for Medicinal Products: Addendum on Toxicity to Male Fertility.'' 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 reflect sound scientific principles for reproductive toxicity testing concerning male fertility, and is an addendum to an earlier ICH guideline on the detection of toxicity to reproduction for medicinal products.

DATES: Effective April 5, 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, rm. 1–23, 12420 Parklawn Dr., 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 43500), FDA published a draft tripartite guideline entitled ''Detection of Toxicity to Reproduction: Addendum on Toxicity to Male Fertility.'' 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 an addendum to an ICH guideline published in the Federal Register of September 22, 1994 (59 FR 48746), entitled ''Guideline on Detection of Toxicity to Reproduction for Medicinal Products.'' The guideline is intended to reflect sound scientific principles for reproductive toxicity testing concerning male fertility.

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 that 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 for or on any person and does not operate to bind FDA, it does represent the agency's current thinking on the detection of toxicity to reproduction for medicinal products.

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 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:

Detection of Toxicity to Reproduction for Medicinal Products: Addendum on Toxicity to Male Fertility

1. Introduction

This text is an addendum to the ICH Tripartite Guideline on Detection of Toxicity to Reproduction for Medicinal Products and provides amendments to the published text.

At the time of adoption, it was accepted that the male fertility investigation, as included in the currently harmonized guideline, would need scientific and regulatory improvement and optimization of test designs.

The amendments are intended to provide a better description of the testing concept and recommendations, especially those addressing:

- Flexibility
- Premating treatment duration
- Observations

The general principles and background were contained in two papers published in the *Journal of American College of Toxicology*. These papers contain the necessary experimental data (prospective and retrospective) for reaching consensus and have been commented on. The individual data from the Japanese collaborative study were also published in the *Journal of Toxicological Science*.

2. Amendments

Introduction (Last Paragraph)

To employ this concept successfully, flexibility is needed (Note 1). No guideline can provide sufficient information to cover all possible cases. All persons involved should be willing to discuss and consider variations in test strategy according to the state-of-the-art and ethical standards in human and animal experimentation.

4.1.1. Study of Fertility and Early Embryonic Development to Implantation

Administration period

The design assumes that, especially for effects on spermatogenesis, use will be made of available data from toxicity studies (e.g., histopathology, weight of reproductive organs, in some cases hormone assays and genotoxicity data). Provided no effects have been found in repeated dose toxicity studies of at least 4 weeks duration that preclude this, a premating treatment interval of 2 weeks for females and 4 weeks for males can be used (Note 12). Selection of the length of the premating administration period should be stated and justified. Treatment should continue throughout mating to termination for males and at least through implantation for females. This will permit evaluation of functional effects on male fertility that cannot be detected by histopathologic examination in repeated dose toxicity studies and effects on mating behavior in both sexes. If data from other studies show there are effects on weight or histology of reproductive organs in males or females, or if the quality of examinations is dubious, or if there are no data from other studies, the need for a more comprehensive study should be considered (Note 12).

Observations

At terminal examination, the following should be done:

- Perform necropsy (macroscopic examination) of all adults;
- Preserve organs with macroscopic findings for possible histopathological evaluation; keep corresponding organs of sufficient controls for comparison;
- Preserve testes, epididymides, ovaries, and uteri from all animals for possible histopathological examination and evaluation on a case by case basis;
- Count corpora lutea, implantation sites (Note 16);
- Count live and dead conceptuses; and
- Sperm analysis can be used as an optional procedure for confirmation or better characterization of the effects observed (Note 12).

Note 12 (4.1.1) Premating Treatment

The design of the fertility study, especially the reduction in the premating period for males, is based on evidence accumulated and on re-appraisal of the basic research on the process of spermatogenesis. Compounds inducing selective effects on male reproduction are rare; compounds affecting spermatogenesis almost invariably affect postmeiotic states and weight of testis; mating with females is an insensitive means of detecting effects on spermatogenesis. Histopathology of the testis has been shown to be the most sensitive method for the detection of effects of spermatogenesis. Good pathological and histopathological examination (e.g., by employing Bouin's fixation, paraffin embedding, transverse section of 2–4 microns for testes, longitudinal section for epididymides, PAS and hematoxylin staining) of the male reproductive organs provides a direct means of detection. Sperm analysis (sperm counts, sperm motility, sperm morphology) can be used as an optional method to confirm findings by other methods and to further characterize effects. Sperm analysis data are considered more relevant for fertility assessment when samples from vas deferens or from cauda epididymis are used. Information on potential effects on spermatogenesis (and female reproductive organs) can be derived from repeated dose toxicity studies or reproductive toxicity studies.

For detection of effects not detectable by histopathology of male reproductive organs and sperm analysis, mating with females after a premating treatment of 4 weeks has been shown to be at least as efficient as mating after a longer duration of treatment (2 weeks may be acceptable in some cases). However, when 2 weeks treatment period is selected, more convincing justification should be provided. When the available evidence suggests that the scope of investigations in the fertility study should be increased, appropriate studies should be designed to characterize the effects further.

Dated: March 29, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–8473 Filed 4–4–96; 8:45 am]

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The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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INTERIOR DEPARTMENT

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INTERIOR DEPARTMENT

National Park Service

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Federal Railroad Administration

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Maritime Administration

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