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WASHINGTON, DC

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- WHERE:** Office of the Federal Register
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- RESERVATIONS:** 202-523-4538



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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV96-966-1 FIR]

Tomatoes Grown in Florida; Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule, without change, the provisions of an interim final rule establishing an assessment rate for the Florida Tomato Committee (Committee) under Marketing Order No. 966 for the 1996-97 and subsequent fiscal periods. The Committee is responsible for local administration of the marketing order which regulates the handling of tomatoes grown in Florida.

Authorization to assess Florida tomato handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program.

EFFECTIVE DATE: August 1, 1996.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Assistant, Southeast Marketing Field Office, Fruit and Vegetable Division, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883-2276, telephone 941-299-4770; FAX 941-299-5169, or Martha Sue Clark, Program Assistant, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-720-9918, FAX 202-720-5698. Small businesses may request information on compliance with this regulation by contacting: Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington,

DC 20090-6456; telephone 202-720-2491; FAX 202-720-5698.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Florida tomato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Florida tomatoes beginning August 1, 1996, and continuing until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies unless they present an irreconcilable conflict with this rule.

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

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

The purpose of the RFA is to fit regulatory actions to the scale of

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

There are approximately 90 producers of Florida tomatoes in the production area and approximately 75 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000. The majority of Florida tomato producers and handlers may be classified as small entities.

The Florida tomato marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of Florida tomatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

The Committee met on September 5, 1996, and unanimously recommended 1996-97 expenditures of \$1,189,000 and an assessment rate of \$0.03 per 25-pound container of tomatoes. In comparison, last year's budgeted expenditures were \$2,025,000. The assessment rate of \$0.03 is \$0.01 less than last year's established rate. Major expenditures recommended by the Committee for the 1996-97 fiscal period compared to those budgeted for 1995-96 (in parentheses) include: \$500,000 for education and promotion (\$1,225,000), \$5,000 for miscellaneous promotion (\$5,000), \$284,650 for office salaries (\$319,100), \$180,000 for research (\$245,000), \$45,500 for employees' retirement program (\$50,500), \$30,000 for employees' travel (\$30,000), \$24,500

for office rent (\$24,500), \$22,150 for payroll taxes (\$22,150), \$20,000 for employees' health insurance (\$29,500), \$19,150 for depreciation on the office furniture and automobiles (\$19,000), \$14,000 for communications (\$12,000), \$12,000 for Committee member travel (\$12,000), \$9,000 for supplies and printing (\$8,500), \$8,000 for insurance and bonds (\$8,000), and \$7,000 for postage (\$7,000).

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Florida tomatoes. Tomato shipments for the year are estimated at 40,000,000 25-pound containers which should provide \$1,200,000 in assessment income, which will be adequate to cover projected expenses.

An interim final rule regarding this action was published in the November 29, 1996, issue of the Federal Register (61 FR 60510). That rule provided for a 30-day comment period. No comments were received.

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

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. The Committee's 1996-97 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

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

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the Federal Register because: (1) The Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (2) the 1996-97 fiscal period began on August 1, 1996, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable tomatoes handled during such fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) an interim final rule was published on this action and provided for a 30-day comment period; no comments were received.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

Note: This action will appear in the Code of Federal Regulations.

PART 966—TOMATOES GROWN IN FLORIDA

Accordingly, the interim final rule amending 7 CFR part 966 which was published at 61 FR 60510 on November 29, 1996, is adopted as a final rule without change.

Dated: February 10, 1997.
Robert C. Keeney
Director, Fruit and Vegetable Division.
[FR Doc. 97-3793 Filed 2-13-97; 8:45 am]
BILLING CODE 3410-02-P

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 335

RIN 3064-AB79

Securities of Nonmember Insured Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: The Federal Deposit Insurance Corporation (FDIC) is revising its regulations which prescribe registration and reporting requirements for non-member insured banks with securities required to be registered under section 12 of the Securities Exchange Act of 1934 (Exchange Act). The final rule incorporates through cross reference the corresponding regulations of the Securities and Exchange Commission (SEC) into the provisions of the FDIC's securities regulations. Incorporation through cross reference will assure that the FDIC's regulations remain substantially similar to the SEC's regulations, as required by law.

DATES: Effective date. These revisions are effective January 1, 1998, with the exception of § 335.901, which is effective July 1, 1997.

Early compliance. These revisions may be immediately followed by the affected party, except that the SEC's regulation regarding proposals of security holders (17 CFR 240.14a-8), which is cross referenced in § 335.401 may not be followed prior to January 1, 1998.

FOR FURTHER INFORMATION CONTACT: M. Eric Dohm, Staff Accountant, Division of Supervision (202-898-8921), Lawrence H. Pierce, Securities Activities Officer, Division of Supervision (202-898-8902), or Jamey G. Basham, Counsel, Legal Division (202-898-7265), Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION:

I. Background

Section 12(i) of the Securities Exchange Act of 1934 as amended, 15 U.S.C. 78l(i), grants authority to the FDIC to issue regulations applicable to the securities of insured banks (including foreign banks having an insured branch) which are neither members of the Federal Reserve System nor District banks (collectively referred to as nonmember banks), which are substantially similar to the SEC's regulations under sections 12 (securities registration), 13 (periodic reporting), 14(a) (proxies and proxy solicitation), 14(c) (information statements), 14(d) (tender offers), 14(f) (election of directors contests), and 16 (beneficial ownership and reporting) of the Exchange Act. Section 12(i) does not, however, require the FDIC to issue substantially similar regulations in the event that the FDIC finds that implementation of such regulation is not necessarily in the public interest or appropriate for protection of investors

and the FDIC publishes such findings with detailed reasons therefor in the Federal Register.

12 CFR part 335 generally applies only to nonmember banks having one or more classes of securities required to be registered under section 12 of the Exchange Act. To date, in 12 CFR part 335, the FDIC has generally maintained its own version of regulations pursuant to sections 12, 13, 14(a), 14(c), 14(d), and 14(f) of the Exchange Act. In 1989, the FDIC incorporated by cross reference the SEC regulations governing going private transactions and issuer tender offers (54 FR 53592, 12 CFR 335.409 and 335.521). In 1992, SEC regulations under section 16 of the Exchange Act were incorporated by cross reference (57 FR 4699, 12 CFR 335.410). In 1994, part 335 was amended to conform with more recent changes in the comparable SEC regulations. In connection with its 1994 proposed rule, the FDIC requested comment on the desirability of incorporating the SEC rules by cross reference into its own rules (59 FR 22555 (May 2, 1994)).

The FDIC received six comment letters in response to its 1994 proposed rule. Commentators were asked to comment upon whether the FDIC should consider proposing a revision to part 335, to incorporate by cross reference the comparable rules of the SEC, rather than continue to maintain the separate but substantially similar body of rules contained in part 335 as was done historically.

All of the six commenters supported cross referencing to some extent. Two thought that the FDIC should be careful to adopt or preserve regulations different from those of the SEC, where FDIC drafted regulations would be more appropriate for banks. None provided an estimate of cost savings from the cross referencing procedure. One commenter indicated that if this cross referencing procedure is adopted, the FDIC should provide notice to banks filing under part 335 that the SEC has amended rules applicable to banks by cross reference.

In the interest of quickly bringing its rules into similarity with those of the SEC, the FDIC adopted the rule amendments in 1994 as they had been previously proposed. Since the comprehensive cross referencing proposal was only described generally at the time of publication of the 1994 proposed rule, it was necessary to publish an express cross referencing proposal for public comment upon the actual method and language to be used.

Accordingly, on June 28, 1996 (61 FR 33696) the FDIC published a proposed revision of 12 CFR part 335 which

would incorporate by cross reference the comparable rules of the SEC, rather than continue to maintain the separate but substantially similar body of rules contained in part 335.

II. Public Comment

The Board requested public comments on all aspects of the proposed rule which was published on June 28, 1996 (61 FR 33696). Written comments were invited to be submitted during a 90-day comment period, and comments were specifically requested regarding:

(1) The benefits and disadvantages of cross referencing as a method for assuring substantial similarity between FDIC and SEC regulations;

(2) The potential cost savings or cost burden of cross referencing; Please include estimates of specific dollar amounts of any anticipated benefits, as well as amounts of transitional and continuing costs such as purchase of reference aides, staff training, and any necessary additional professional assistance;

(3) Whether the FDIC should provide any specific exemptions from, or separate additions to the SEC's regulations;

(4) Whether the FDIC should continue to require disclosure of insider extensions of credit as it currently does under its rules in 12 CFR 335.212 Item 7(b);

(5) Whether the FDIC should continue to make Exchange Act filings available for inspection at the Federal Reserve Banks;

(6) The appropriate time frame for implementation of the final rule, including the amount of time which should pass after publication of the final rule before compliance with the final rule is required; and

(7) Any other issues regarding the proposal which commenters believe would assist in this rulemaking.

The FDIC received two comment letters in response to its 1996 request for comments, one from a registered nonmember bank and the other from a public accounting firm. Both commenters generally supported the cross referencing proposal and indicated that there should be overall benefits to incorporation by cross reference. Both commenters also supported continuation of the FDIC's review of preliminary proxy statements. One commenter agreed and the other disagreed with the proposal to adopt or preserve regulations different from those of the SEC with respect to insider loan disclosures. Regarding costs, one commenter suggested that any additional costs would be far outweighed by the benefits of cross

referencing, while the other stated that there should be no significant cost in adopting the proposed rule. Neither commenter provided an estimate of specific cost increase nor savings resulting from the cross referencing procedure. One commenter also indicated that the FDIC should discontinue making Exchange Act filings available at the Federal Reserve Banks, that the FDIC should host training seminars to assist nonmember banks' transition to and compliance with the final rule, and that the final rule should be effective for Exchange Act filings made after December 31, 1997.

After careful consideration of all public comments received regarding incorporation by cross reference, the FDIC has determined to adopt this final rule in substantially the same form as previously proposed (61 FR 33696 (June 28, 1996)). In order to allow ample time for transition to the cross referenced SEC regulations, the final rule will be effective January 1, 1998. Early compliance with the SEC regulations will be permitted, except that the SEC's regulation regarding proposals of security holders (17 CFR 240.14a-8), which is incorporated by cross reference in section 335.401, may not be followed prior to January 1, 1998, the effective date. Permitting early compliance with 17 CFR 240.14a-8 prior to the effective date of this final rule is not considered practicable.

III. Revisions to Part 335

The FDIC is revising 12 CFR part 335 by incorporating through cross reference, the regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), and 14(f) of the Exchange Act. The SEC's regulations under section 16 of the Exchange Act were previously incorporated by cross reference (57 FR 4699, February 7, 1992). As a result, with the exception of forms filed pursuant to section 16, the FDIC's separate Exchange Act forms are eliminated and the SEC's Exchange Act forms will be utilized in filings with the FDIC. The cover pages of all forms filed with the FDIC however, will be required to contain the name of the FDIC in lieu of that of the SEC in order to avoid confusion as to where filings should be made. The FDIC believes that incorporation through cross reference will cause its regulations to remain substantially similar to those of the SEC, as well as those of other federal financial institution regulatory agencies.

This final rule will make appropriate SEC regulations applicable to persons subject to part 335, except where part 335 contains a differing or additional

requirement or exception. Incorporation through cross reference generally makes all SEC regulations, and amendments thereto, applicable to registered nonmember banks, unless the FDIC acts to vary the SEC's specific requirements. The FDIC believes that this is an effective way to assure that FDIC regulations issued under the Exchange Act remain substantially similar to the SEC's regulations. However, the FDIC will retain the ability to exempt nonmember banks, through a separate FDIC rulemaking, from any particular SEC rule it determines should not apply to such banks. The FDIC also retains its rulemaking authority to subject nonmember banks to additional or different regulations where warranted.

The FDIC believes that issuance of the final rule will simplify administration and enforcement of the disclosure provisions of the Exchange Act. This is the approach adopted by the Board of Governors of the Federal Reserve System (12 CFR 208.16), the Office of the Comptroller of the Currency (12 CFR 11.2), and the Office of Thrift Supervision (12 CFR 563d.1). Further, as registrants, investors, and their counsel acquire or expand their familiarity with SEC regulations, incorporation by cross reference should help promote uniformity and consistency of Exchange Act disclosure, without affecting the quality of the administration and enforcement of the provisions of the Exchange Act for which the FDIC is the appropriate regulatory agency.

The FDIC's principal concern with respect to the elimination of FDIC forms and subsequent use of SEC forms is that filers may incorrectly forward the forms to the SEC. This can create embarrassment and legal liability on the part of the filers for unintentional failure to file the forms. Errors of this kind can interfere with the smooth and efficient administration of public filings under the Exchange Act. For this reason, the final rule requires that on all forms to be filed with the FDIC, the cover pages must prominently display the name of the FDIC in lieu of that of the SEC in order to avoid confusion as to the appropriate filing agency.

The FDIC has also made one technical revision to part 335 which is included in this final rule, but was not included in the proposed rule. This results in the final rule including new § 335.901, which contains the provisions of presently existing § 303.8(b) of the FDIC regulations (12 CFR 303.8(b)) which are applicable to part 335. New § 335.901 contains the regulations which delegate authority to act on certain Exchange Act disclosure matters from the FDIC Board

of Directors to the Director of the Division of Supervision. This addition to part 335 is made as part of an agency-wide effort to streamline and modify FDIC regulations and policies as required by section 303 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4803). The FDIC considers the placement of the related delegation of authority provisions into part 335 as more convenient to users, less obscure and easier to locate, and generally a more appropriate location than their current location in 12 CFR 303.8(b). A technical revision has been made to the language of the delegation. The 303.8(b) language covers disclosure matters under and pursuant to part 335, which necessarily includes disclosure matters under and pursuant to section 16 of the Securities Exchange Act of 1934; however, where the 303.8(b) language also refers to sections 12, 13, and 14 of the Securities Exchange Act of 1934, it omits reference to section 16. In the interests of consistency, a reference to section 16 has been added.

IV. Differences From Current Part 335 Regulations

Following is a discussion of the significant differences between the FDIC's existing regulations and the SEC's regulations and procedures which are incorporated by cross reference under this final rule. While there are other differences in the regulations, the FDIC believes them to be technical or minor in nature. Upon the FDIC's adoption of this final rule, each of these differences is eliminated.

A. Minimum Asset Test for Registration

The regulations of the SEC and the existing regulations of the FDIC differ in establishing the minimum total asset size of an issuing company. The company's asset size is used as one of the triggering criteria (in addition to the number of shareholders) for requiring registration of securities under section 12 of the Exchange Act. Section 12(g) of the Exchange Act (15 U.S.C. 78l(g)) requires any issuing company with at least 500 shareholders and minimum total assets of \$1 million to register the class of securities, subject to limits, exemptions, and conditions prescribed by the SEC or other appropriate regulatory agency. The SEC's Rule 12g-1 (17 CFR 240.12g-1) prescribes the minimum asset test to be \$10 million in total assets, while current FDIC regulations do not alter the statutory standard. This final rule incorporates by cross reference the SEC's minimum asset test threshold of \$10 million.

B. Shareholder Proposal Rules

The regulations of the SEC and the FDIC differ primarily with respect to the proponent's ownership requirements in stock of an issuing company, and the number of proposals which a proponent may present. The FDIC's rules presently require only that the proponent be a shareholder of the registrant, and that a proponent may submit a maximum of two proposals for inclusion in a registrant's annual meeting proxy statement. The SEC's Rule 14a-8 (17 CFR 240.14a-8) requires a proponent to have beneficially ownership of at least 1% or \$1,000 in market value of securities entitled to be voted on the proposal, requires a proponent to have held such securities for at least one year, and permits a proponent to submit only one proposal for inclusion in a registrant's annual meeting proxy statement. This final rule incorporates the SEC's requirements by cross reference, which include the differences described above.

C. Certification, Suspension of Trading, and Removal From Listing by Exchanges; Unlisted Trading; and Related Filing Requirements

The SEC's rules currently require a national securities exchange to formally certify that a registrant's security has been approved for listing. The SEC's rules contain provisions applicable to suspension of trading on a national securities exchange, withdrawal, and striking of a security from listing and registration. Also, SEC rules prescribe requirements relative to applications, changes, termination, suspension, or exemption of securities admitted to unlisted trading on a national securities exchange. The FDIC's rules currently also require certification by a national securities exchange, but do not contain the additional provisions summarized above. This final rule incorporates by cross reference, the SEC's rules on Certification By Exchanges (17 CFR 240.12d1-1 through 12d1-6), Suspension Of Trading, Withdrawal, And Striking From Listing And Registration (17 CFR 240.12d2-1 through 12d2-6), and Unlisted Trading (17 CFR 240.12f-1 through 12f-6).

D. Availability of Exchange Act Filings at Federal Reserve Banks

FDIC regulations currently require that copies of all registration statements and periodic reports required by 12 CFR 335.301 through 335.365 (exclusive of exhibits), the proxy and information statements required by 12 CFR 335.201, and annual reports to security holders required by 12 CFR 335.203 will be

available for inspection at the Federal Reserve Bank (FRB) of the District in which the bank making the submission is located. The FDIC staff believes that there has been extremely little public interest in inspecting these Exchange Act filings at the Federal Reserve Banks. It is also believed that it is difficult for the public to access these filings. This final rule eliminates the availability of these Exchange Act filings at the Federal Reserve Banks. All Exchange Act filings will remain available for inspection at and copies may be obtained from the FDIC in Washington, D.C.

V. Differences Between FDIC and SEC Regulations (Superseded SEC Regulations and FDIC Substituted Regulations)

Following is a discussion of the significant differences between the applicable requirements of this final rule, and the SEC's regulations and procedures which will generally be applicable as a result of incorporation by cross reference. Unless any particular provisions of the SEC's Exchange Act regulations are specifically superseded by the FDIC, incorporation by cross reference would make such provisions applicable to nonmember banks, related parties and investors. The FDIC rules under 12 CFR part 335 currently contain these provisions or requirements and retention thereof is considered warranted. Through the adoption of this final rule, each of the following differences between the rules of the FDIC and the rules of the SEC will remain in effect.

A. Review of Proxy and Information Statements

The SEC and the FDIC regulations differ significantly in the type of proxy and information statements subject to regulatory review prior to distribution to shareholders. The SEC requires preliminary filings of proxy and information statements, but only concerning those shareholder meetings which are other than "routine" annual meetings. In such cases, the SEC requires preliminary filings to be filed ten days prior to distribution to shareholders (17 CFR 240.14a-6 and 17 CFR 240.14c-5). The FDIC however, currently requires preliminary filings for all shareholder meetings, and requires that the preliminary filings be made at least ten days before "routine" meetings and 15 days before "non-routine" meetings (12 CFR 335.204).

The SEC regulations exempt proxy statements for "routine" annual meetings from the requirement of preliminary filing and advance review. While the FDIC receives a moderate

number of "routine" meeting filings, the staff has found that it is this category of filings where the most fundamental errors are made. Proxy statements for "routine" annual meetings often contain more basic errors and omissions than in the case of "non-routine" meetings. In the absence of an advance filing, the FDIC must choose between requiring a new meeting after the problem is belatedly discovered or overlooking the resulting noncompliance until the following year. A similar problem may occur in enforcing the regulations with banks that misread or are negligent in interpreting the term "routine."

Accordingly, this final rule continues to require the filing of both "routine" and "non-routine" preliminary proxy materials for FDIC staff review and comment prior to their distribution to shareholders. The FDIC staff believes that the overall benefits resulting from the current requirement under 12 CFR part 335 to file "routine" preliminary proxy statements, exceed the costs attributed to making those filings.

B. Disclosure of Extensions of Credit to Insiders

The SEC and the FDIC regulations both contain requirements for financial institution disclosure of loans to insiders. SEC regulations generally require the disclosure of certain insider indebtedness in excess of \$60,000, which have preferential terms, were not made in the ordinary course of business, or which involve more than the normal risk of collectibility or involve other unfavorable features. In contrast, since 1965, the FDIC has required: (a) disclosure of insiders' indebtedness on a basis substantially similar to that of the SEC, but without the \$60,000 threshold; and (b) basic disclosure of relatively large extensions of credit to insiders and to insiders as a group, based strictly upon the amount of indebtedness.

Even though loans to insiders are often subject to amount limitations in banking law and regulation, significant amounts of insider loans yet occur. This final rule incorporates by reference the SEC's indebtedness of management disclosure requirements and also adds a requirement to disclose large extensions of credit to insiders and to insiders as a group, based solely upon the amount of indebtedness. The FDIC staff believes that the overall benefit resulting from continuation of the FDIC's current disclosure requirements under 12 CFR part 335 is in the public interest and is appropriate to the banking industry.

C. Filing Fees

The regulations of SEC include specific requirements for the payment of filing fees which are applicable to and must be paid by any person or entity filing reports with the SEC under the Exchange Act. This final rule does not require filing fees to be paid by any person, registrant, or entity making Exchange Act filings with the FDIC.

D. Electronic Data Gathering Analysis and Retrieval (EDGAR)

The SEC's Regulation S-T (17 CFR part 232) requires all registrants to submit filings in electronic format pursuant to its EDGAR system. Although the FDIC is studying the feasibility of the acceptance and administration of electronic filings under the Exchange Act, this final rule does not permit and the FDIC does not accept electronic filings at this time.

E. Legal Proceedings

The SEC and the FDIC regulations currently both require disclosure of legal proceedings in certain filings under the Exchange Act. The FDIC generally requires disclosure of all legal proceedings required to be disclosed by the SEC, and in addition, the FDIC's regulations deem as material and require disclosure of administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act. This final rule incorporates the SEC's legal proceedings disclosure requirements by cross reference, and in addition, continues to deem as material and requires disclosure of administrative or judicial proceedings arising under section 8 of the Federal Deposit Insurance Act. The FDIC staff believes that the overall benefit resulting from the explicit requirement to disclose proceedings arising under section 8 of the Federal Deposit Insurance Act is in the public interest and is appropriate to the banking industry.

VI. Regulatory Flexibility Act

Under section 605(b) of the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)), the final regulatory flexibility analysis otherwise required under section 604 of the RFA (5 U.S.C. 604) is not required if the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and the agency publishes such certification in the Federal Register along with its general notice of proposed rulemaking or at the time of publication of the final rule. Pursuant to section 605(b) of the RFA, the FDIC certifies that this final rule would apply

only to those banks whose securities are publicly held. Other covered persons include: insiders of banks, large shareholders of banks, and bidders for bank stock.

There were no significant issues raised by public commenters in response to the Regulatory Flexibility Act certification contained in the notice of proposed rulemaking. Accordingly, no related changes have been made to the regulations as proposed.

The regulations contained in this final rule will incorporate SEC regulations by cross reference. By statute, any differences must be specifically justified through the rulemaking process. The SEC and FDIC regulations are functionally almost identical, they are issued under the same statutory authority, and they share a common legislative purpose. The FDIC considers the applicable SEC rule, defining "small entities," a necessary standard in order to maintain fair and comparable regulation. The FDIC is comparing FDIC regulated banks and SEC regulated nonbank entities, including bank holding companies. The applicable SEC definition of "small entities" sets the upper limit at \$5 million. The SEC has delayed raising this limit until it completes its current and future initiatives in this area. Any SEC revisions in this area should pass through to entities subject to part 335. Currently, there are no banks below this limit filing under part 335. Further, this rulemaking does not substantially change existing filing requirements for any individual. Based upon this factual background, the FDIC certifies that the revisions to part 335 contained in this final rule will have no economic impact on any identifiable small entities as defined for the class by SEC which is the general regulator in the area.

VII. Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) (Pub. L. 104-121) provides generally for agencies to report rules to Congress and for Congress to review the rules. The reporting requirement is triggered when agencies issue a final rule as defined by the Administrative Procedure Act (APA) at 5 U.S.C. 551. Because the FDIC is issuing a final rule as defined by the APA, the FDIC will file the reports required by SBREFA.

The Office of Management and Budget has determined that this final revision to part 335 does not constitute a "major rule" as defined by SBREFA.

VIII. Paperwork Reduction Act

The collection of information in this final rule has been reviewed and approved by the Office of Management and Budget (OMB) under control number 3064-0030 in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Comments on the accuracy of the burden estimate and suggestions for reducing the burden should be directed to the Office of Management and Budget, Paperwork Reduction Project (3064-0030), Washington, D.C. 20503, with copies of such comments to be sent to Steven F. Hanft, Office of the Executive Secretary, room F-400, 550 17th Street, N.W., Washington, D.C. 20429.

This information is needed to assure compliance with the Exchange Act and to provide information to investors and the public about the condition of registered nonmember banks. The likely respondents are for-profit financial institutions—registered nonmember banks, as well as their directors, executive officers and principal shareholders. The total reporting burden as most recently approved by OMB for all collections of information in this regulation is as follows:

Number of Respondents: 4,368.

Number of Responses Per

Respondent: 1.42.

Total Annual Responses: 6,214.

Hours Per Response: 8.90.

Total Annual Burden Hours: 55,276.

The estimated annual burden per respondent varies from 30 minutes to 200 hours, depending on the particular form and individual circumstances, with an estimated average of 8.90 hours.

IX. Cost Benefit Analysis

This final rule is generally not expected to result in material increases in costs and burden to respondents. Some filers, however, may realize an increase in costs due to an increased need for professional guidance in order to facilitate the making of filings under the Exchange Act. Any overall increase in costs resulting from this final rule should be moderate, however, due to the existing general familiarity with the SEC's regulations on the part of registrants, investors, and their counsel. Any such increase in overall costs should be offset by elimination of the need for potential filers to become familiar with two separate sets of regulations implementing the filing requirements of the Exchange Act.

X. Statutory Basis

The revisions to the FDIC's regulation under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the Exchange Act, are

being adopted by the FDIC pursuant to Exchange Act section 12(i).

List of Subjects in 12 CFR Part 335

Accounting, Banks, banking, Confidential business information, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in the preamble, the FDIC revises part 335 to read as follows:

PART 335—SECURITIES OF NONMEMBER INSURED BANKS

Sec.

- 335.101 Scope of part, authority and OMB control number.
- 335.111 Forms and schedules.
- 335.201 Securities exempted from registration.
- 335.211 Registration and reporting.
- 335.221 Forms for registration of securities and similar matters.
- 335.231 Certification, suspension of trading, and removal from listing by exchanges.
- 335.241 Unlisted trading.
- 335.251 Forms for notification of action taken by national securities exchanges.
- 335.261 Exemptions; terminations; and definitions.
- 335.301 Reports of issuers of securities registered pursuant to section 12.
- 335.311 Forms for annual, quarterly, current, and other reports of issuers.
- 335.321 Maintenance of records and issuer's representations in connection with required reports.
- 335.331 Acquisition statements and acquisitions of securities by issuers.
- 335.401 Solicitations of proxies.
- 335.501 Tender offers.
- 335.601 Requirements of section 16 of the Securities Exchange Act of 1934.
- 335.611 Initial statements of beneficial ownership of securities (Form F-7).
- 335.612 Statement of changes in beneficial ownership of securities (Form F-8).
- 335.613 Annual statement of beneficial ownership of securities (Form F-8A).
- 335.701 Filing requirements, public reference, and confidentiality.
- 335.801 Inapplicable SEC regulations; FDIC substituted regulations; additional information.
- 335.901 Delegation of authority to the Director (DOS) and to the associate directors, regional directors and deputy regional directors to act on matters with respect to disclosure laws and regulations.

Authority: 15 U.S.C. 781(i).

§ 335.101 Scope of part, authority and OMB control number.

(a) This part is issued by the Federal Deposit Insurance Corporation (the FDIC) under section 12(i) of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78) (the Exchange Act) and applies to all securities of FDIC insured banks (including foreign banks having an insured branch) which are

neither a member of the Federal Reserve System nor a District bank (collectively referred to as nonmember banks) that are subject to the registration requirements of section 12(b) or section 12(g) of the Exchange Act (registered nonmember banks). The FDIC is vested with the powers, functions, and duties vested in the Securities and Exchange Commission (the Commission or SEC) to administer and enforce the provisions of sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Securities Exchange Act of 1934, as amended (the Exchange Act) (15 U.S.C. 78l, 78m, 78n(a), 78n(c), 78n(d), 78n(f), and 78(p)), regarding nonmember banks with one or more classes of securities subject to the registration provisions of sections 12(b) and 12(g).

(b) This part 335 generally incorporates through cross reference the regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Exchange Act. References to the Commission are deemed to refer to the FDIC unless the context otherwise requires.

(c) The Office of Management and Budget has reviewed and approved the recordkeeping and reporting required by this part (OMB control number 3064-0030).

§ 335.111 Forms and schedules.

The Exchange Act regulations of the SEC, which are incorporated by cross reference under this part, require the filing of forms and schedules as applicable. Reference is made to SEC Exchange Act regulation 17 CFR 249.0-1 regarding the availability of all applicable SEC Exchange Act forms. Required schedules are codified and are found within the context of the SEC's regulations. The filings of all applicable SEC forms and schedules shall be made with the FDIC at the address in this section. They shall be titled with the name of the FDIC in substitution for the name of the SEC. Forms F-7 (§ 335.611), F-8 (§ 335.612), F-8A (§ 335.613), are FDIC forms which are issued under section 16 of the Exchange Act and can be obtained from the Registration and Disclosure Section, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. Reference is also made to § 335.701 for general filing requirements, public reference, and confidentiality provisions.

§ 335.201 Securities exempted from registration.

Persons generally subject to registration requirements under Exchange Act section 12 and subject to this part shall follow the applicable and

currently effective SEC regulations relative to exemptions from registration issued under sections 3 and 12 of the Exchange Act as codified at 17 CFR 240.3a12-1 through 240.3a12-11, 240.12a-4 through 240.12a-7, 240.12g-1 through 240.12h-4.

§ 335.211 Registration and reporting.

Persons with securities subject to registration under Exchange Act sections 12(b) and 12(g), required to report under Exchange Act section 13, and subject to this part shall follow the applicable and currently effective SEC regulations issued under section 12(b) of the Exchange Act as codified at 17 CFR 240.12b-1 through 240.12b-36.

§ 335.221 Forms for registration of securities and similar matters.

(a) The applicable forms for registration of securities and similar matters are codified in subpart C of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

(b) The requirements for Financial Statements can generally be found in Regulation S-X (17 CFR part 210). Banks may also refer to the instructions for FFIEC Reports of Income and Reports of Condition when preparing unaudited interim statements. The requirements for Management's Discussion and Analysis of Financial Condition and Results of Operations can be found in at 17 CFR 229.300. Industry Guide 3, Statistical Disclosure by Bank Holding Companies, is codified at 17 CFR 229.802.

(c) A "small business issuer," as defined under 17 CFR 240.12b-2, has the option of filing Small Business (SB) Forms (as codified in 17 CFR part 249) in lieu of the Exchange Act forms otherwise required to be filed, which provide for financial and other item disclosures in conformance with Regulation S-B of the Securities and Exchange Commission (17 CFR part 228). The definition of "small business issuer," generally includes banks with annual revenues of less than \$25 million, whose voting stock does not have a public float of \$25 million or more.

§ 335.231 Certification, suspension of trading, and removal from listing by exchanges.

The provisions of the applicable and currently effective SEC regulations under section 12(d) of the Exchange Act shall be followed as codified at 17 CFR 240.12d1-1 through 240.12d2-2.

§ 335.241 Unlisted trading.

The provisions of the applicable and currently effective SEC regulations under section 12(f) of the Exchange Act shall be followed as codified at 17 CFR 240.12f-1 through 240.12f-6.

§ 335.251 Forms for notification of action taken by national securities exchanges.

The applicable forms for notification of action taken by national securities exchanges are codified in subpart A of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

§ 335.261 Exemptions; terminations; and definitions.

The provisions of the applicable and currently effective SEC regulations under sections 12(g) and 12(h) of the Exchange Act shall be followed as codified at 17 CFR 240.12g-1 through 240.12h-4.

§ 335.301 Reports of issuers of securities registered pursuant to section 12.

The provisions of the applicable and currently effective SEC regulations under section 13(a) of the Exchange Act shall be followed as codified at 17 CFR 240.13a-1 through 240.13a-17.

§ 335.311 Forms for annual, quarterly, current, and other reports of issuers.

(a) The applicable forms for annual, quarterly, current, and other reports are codified in subpart D of 17 CFR part 249. All forms shall be filed with the FDIC as appropriate and shall be titled with the name of the FDIC instead of the SEC.

(b) The requirements for Financial Statements can generally be found in Regulation S-X (17 CFR part 210). Banks may also refer to the instructions for FFIEC Reports of Income and Reports of Condition when preparing unaudited interim reports. The requirements for Management's Discussion and Analysis of Financial Condition and Results of Operations can be found at 17 CFR 229.300. Industry Guide 3, Statistical Disclosure by Bank Holding Companies, is codified at 17 CFR 229.802.

(c) A "small business issuer," as defined under 17 CFR 240.12b-2, has the option of filing Small Business (SB) Forms (as codified in 17 CFR part 249) in lieu of the Exchange Act forms otherwise required to be filed, which provide for financial and other item disclosures in conformance with Regulation S-B of the Securities and Exchange Commission (17 CFR part 228). The definition of "small business issuer," generally includes banks with annual revenues of less than \$25

million, whose voting stock does not have a public float of \$25 million or more.

§ 335.321 Maintenance of records and issuer's representations in connection with acquired reports.

The provisions of the applicable and currently effective SEC regulations under section 13(b) of the Exchange Act shall be followed as codified at 17 CFR 240.13b2-1 through 240.13b2-2.

§ 335.331 Acquisition statements and acquisitions of securities by issuers.

The provisions of the applicable and currently effective SEC regulations under section 13(d) and 13(e) of the Exchange Act shall be followed as codified at 17 CFR 240.13d-1 through 240.13e-102.

§ 335.401 Solicitations of proxies.

The provisions of the applicable and currently effective SEC regulations under section 14(a) and 14(c) of the Exchange Act shall be followed as codified at 17 CFR 240.14a-1 through 240.14a-103 and 240.14c-1 through 240.14c-101.

§ 335.501 Tender offers.

The provisions of the applicable and currently effective SEC regulations under section 14(d), 14(e), and 14(f) of the Exchange Act shall be followed as codified at 17 CFR 240.14d-1 through 240.14f-1.

335.601 Requirements of section 16 of the Securities Exchange Act of 1934.

Persons subject to section 16 of the Act with respect to securities registered under this part shall follow the applicable and currently effective SEC regulations issued under section 16 of the Act (17 CFR 240.16a-1 through 240.16e-1(1)), except that the forms described in § 335.611 (Form F-7), § 335.612 (Form F-8), and § 335.613 (Form F-8A) shall be used in lieu of SEC Form 3 (17 CFR 249.103), Form 4 (17 CFR 249.104), or Form 5 (17 CFR 249.105), respectively. Copies of Forms F-7, F-8, F-8A and the instructions thereto can be obtained from the Registration, Disclosure, and Securities Operations Unit, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429.

§ 335.611 Initial statement of beneficial ownership of securities (Form F-7).

This form shall be filed in lieu of SEC Form 3 pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for initial statements of beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form

pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w) and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.612 Statement of changes in beneficial ownership of securities (Form F-8).

This form shall be filed pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for statements of changes in beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w) and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.613 Annual statement of beneficial ownership of securities (Form F-8A).

This form shall be filed pursuant to SEC rule 16a-3 (17 CFR 240.16a-3) for annual statements of beneficial ownership of securities. The FDIC is authorized to solicit the information required by this form pursuant to sections 16(a) and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78p and 78w), and the rules and regulations thereunder. SEC regulations referenced in this form are codified at 17 CFR 240.16a-1 through 240.16e-1.

§ 335.701 Filing requirements, public reference, and confidentiality.

(a) *Filing requirements.* Unless otherwise indicated in this part, one original and four conformed copies of all papers required to be filed with the FDIC under the Exchange Act or regulations thereunder shall be filed at its office in Washington, D.C. Official filings made at the FDIC's office in Washington, D.C. should be addressed as follows: Attention: Registration, Disclosure, and Securities Operations Unit, Division of Supervision, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. Material may be filed by delivery to the FDIC through the mails or otherwise. The date on which papers are actually received by the designated FDIC office shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection.* Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the FDIC will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C.

(c) *Nondisclosure of certain information filed.* Any person filing any

statement, report, or document under the Act may make a written objection to the public disclosure of any information contained therein in accordance with the procedure set forth in this paragraph (c).

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the FDIC.

(2) The person shall file with the copies of the statement, report, or document filed with the FDIC:

(i) As many copies of the confidential portion, each clearly marked "Confidential Treatment," as there are copies of the statement, report, or document filed with the FDIC and with each exchange, if any. Each copy shall contain the complete text of the item and, notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in the case where the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document;

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain:

(A) An identification of the portion of the statement, report, or document that has been omitted;

(B) A statement of the grounds of objection;

(C) Consent that the FDIC may determine the question of public disclosure upon the basis of the application, subject to proper judicial reviews;

(D) The name of each exchange, if any, with which the statement, report, or document is filed;

(iii) The copies of the confidential portion and the application filed in accordance with this paragraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Executive Secretary, Federal Deposit Insurance Corporation, Washington, D.C. 20429.

(3) Pending the determination by the FDIC as to the objection filed in accordance with paragraph (c)(2)(ii) of this section, the confidential portion will not be disclosed by FDIC.

(4) If the FDIC determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the FDIC shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) Upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC described in paragraph (c)(5) of this section, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) Upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the FDIC, if the statement described in paragraph (c)(6)(i) of this section shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) If such petition for judicial review shall have been filed within such 60 days upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the FDIC and with each exchange concerned.

§ 335.801 Inapplicable SEC regulations; FDIC substituted regulations; additional information.

(a) *Filing fees.* Filing fees will not be charged relative to any filings or submissions of materials made with the FDIC pursuant to the cross reference to regulations of the SEC issued under sections 12, 13, 14(a), 14(c), 14(d), 14(f), and 16 of the Exchange Act, and this part.

(b) *Electronic filings.* The FDIC does not participate in the SEC's EDGAR (Electronic Data Gathering Analysis and Retrieval) electronic filing program (17 CFR part 232), and does not permit electronically transmitted filings or submissions of materials in electronic format to the FDIC.

(c) *Legal proceedings.* Whenever this part or cross referenced provisions of the SEC regulations require disclosure of legal proceedings, administrative or judicial proceedings arising under

section 8 of the Federal Deposit Insurance Act shall be deemed material and shall be disclosed.

(d) *Indebtedness of management.* Whenever this part or cross referenced provisions of the SEC regulations require disclosure of indebtedness of management, extensions of credit to specified persons in excess of ten (10) percent of the equity capital accounts of the bank or \$5 million, whichever is less, shall be deemed material and shall be disclosed in addition to any other required disclosure. The disclosure of this material indebtedness shall include the largest aggregate amount of indebtedness (in dollar amounts, and as a percentage of total equity capital accounts at the time), including extensions of credit or overdrafts, endorsements and guarantees outstanding at any time since the beginning of the bank's last fiscal year, and as of the latest practicable date.

(1) If aggregate extensions of credit to all specified persons as a group exceeded 20 percent of the equity capital accounts of the bank at any time since the beginning of the last fiscal year, the aggregate amount of such extensions of credit shall also be disclosed.

(2) Other loans are deemed material and shall be disclosed where:

(i) The extension(s) of credit was not made on substantially the same terms, including interest rates, collateral and repayment terms as those prevailing at the time for comparable transactions with other than the specified persons;

(ii) The extension(s) of credit was not made in the ordinary course of business; or

(iii) The extension(s) of credit has involved or presently involves more than a normal risk of collectibility or other unfavorable features including the restructuring of an extension of credit, or a delinquency as to payment of interest or principal.

(e) *Proxy material required to be filed.*

(1) Three preliminary copies of each information statement, proxy statement, form of proxy, and other item of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the FDIC by the bank or any other person making a solicitation subject to 12 CFR 335.401 at least ten calendar days (or 15 calendar days in the case of other than routine meetings, as defined in paragraph (e)(2) of this section) prior to the date such item is first sent or given to any security holders, or such shorter date as may be authorized.

(2) For the purposes of this paragraph (e), a routine meeting means:

(i) A meeting with respect to which no one is soliciting proxies subject to § 335.401 other than on behalf of the bank, and at which the bank intends to present no matters other than:

(A) The election of directors;

(B) The election, approval or ratification of accountants;

(C) A Security holder proposal included pursuant to SEC Rule 14(a)-8 (17 CFR 240.14a-8); and

(D) The approval or ratification of a plan as defined in paragraph (a)(7)(ii) of Item 402 of SEC Regulation S-K (17 CFR 229.402(a)(7)(ii)) or amendments to such a plan; and

(ii) The bank does not comment upon or refer to a solicitation in opposition (as defined in 17 CFR 240.14a-6) in connection with the meeting in its proxy material.

(3) Where preliminary copies of material are filed with the FDIC under this section, the printing of definitive copies for distribution to security holders should be deferred until the comments of the FDIC's staff have been received and considered.

(f) *Additional information; filing of other statements in certain cases.* (1) In addition to the information expressly required to be included in a statement, form, schedule or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading.

(2) The FDIC may, upon the written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements or disclosures herein required, or the filing in substitution therefor of appropriate statements or disclosures of comparable character.

(3) The FDIC may also require the filing of other statements or disclosures in addition to, or in substitution for those herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or disclosure about which is otherwise necessary for the protection of investors.

§ 335.901 Delegation of authority to the Director (DOS) and to the associate directors, regional directors and deputy regional directors to act on matters with respect to disclosure laws and regulations.

(a) Except as provided in paragraph (b) of this section, authority is delegated to the Director, Division of Supervision (DOS), and where confirmed in writing by the director, to an associate director, or to the appropriate regional director or

deputy regional director, to act on disclosure matters under and pursuant to sections 12, 13, 14 and 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78) or this part.

(b) Authority to act on disclosure matters is retained by the FDIC Board of Directors when such matters involve:

(1) Exemption from disclosure requirements pursuant to section 12(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78I(h)); or

(2) Exemption from tender offer requirements pursuant to section 14(d)(8) of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8)).

By Order of the Board of Directors.

Dated at Washington, D.C. this 4th day of February, 1997.

Federal Deposit Insurance Corporation.

Jerry L. Langley,

Executive Secretary.

[FR Doc. 97-3596 Filed 2-13-97; 8:45 am]

BILLING CODE 6714-01-P

FEDERAL HOUSING FINANCE BOARD

12 CFR Part 931

[No. 97-3]

Technical Amendment to Definition of Deposits in Banks or Trust Companies

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule with request for comments.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending the definition of the term "deposits in banks or trust companies" to expressly include a deposit in, or a sale of federal funds to, a branch or agency of a foreign bank located in the United States that is subject to the supervision of the Board of Governors of the Federal Reserve System (Board of Governors), as an investment eligible to fulfill the liquidity requirement imposed on the Federal Home Loan Banks (FHLBanks) by section 11(g) of the Federal Home Loan Bank Act (Bank Act).

DATES: The interim final rule will become effective on February 14, 1997. The Finance Board will accept comments on the interim final rule in writing on or before March 17, 1997.

ADDRESSES: Mail comments to Elaine L. Baker, Executive Secretary, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006. Comments will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Janice A. Kaye, Attorney-Advisor, Office

of General Counsel, 202/408-2505, or Christine M. Freidel, Assistant Director, Financial Management Division, Office of Policy, 202/408-2976, Federal Housing Finance Board, 1777 F Street, NW, Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

Under section 11(e)(1) of the Bank Act, the FHLBanks have the power to accept deposits from their members, other FHLBanks, or instrumentalities of the United States. See 12 U.S.C. 1431(e)(1). To ensure that each FHLBank has sufficient liquid assets to meet deposit withdrawal demands, section 11(g) of the Bank Act imposes a liquidity requirement. See *id.* 1431(g). The liquidity requirement provides that each FHLBank must invest, upon such terms and conditions as the Finance Board may prescribe, an amount equal to the current deposits the FHLBank holds in specified types of assets. *Id.* Among the assets specified in the Bank Act are "deposits in banks or trust companies." *Id.* 1431(g)(2).

In 1978, the Finance Board's predecessor, the former Federal Home Loan Bank Board (FHLBB), defined by regulation the phrase "deposits in banks or trust companies" to include a deposit in another FHLBank, a demand account with a Federal Reserve Bank, or a deposit in a depository designated by a FHLBank's board of directors that is a member of either the Federal Reserve System (FRS) or the Federal Deposit Insurance Corporation (FDIC). See 43 FR 46835, 46836 (Oct. 11, 1978), *codified at* 12 CFR 521.5 (superseded). When Congress abolished the FHLBB in 1989, see Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. 101-73, sec. 401, 103 Stat. 183 (Aug. 9, 1989), the Finance Board transferred the definition, without any change in substantive or technical matters, to § 931.5 of its regulations. See 54 FR 36757 (Aug. 28, 1989), *codified at* 12 CFR 931.5. This definition remained unchanged until July 3, 1996, when the Finance Board adopted a final rule modifying the definition of "deposits in banks or trust companies." The final rule was published in the Federal Register on August 2, 1996, and became effective on September 3, 1996. See 61 FR 40311 (Aug. 2, 1996), *codified at* 12 CFR 931.5. The final rule made clear that the term "banks" includes savings associations, and included federal funds transactions as eligible to fulfill the liquidity requirement imposed on the FHLBanks by section 11(g) of the Bank Act. See 12 U.S.C. 1431(g).

II. Analysis of the Interim Final Rule

In revising the definition of "deposits in banks or trust companies," the Finance Board inadvertently omitted as an eligible investment deposits in certain U.S. branches and agencies of foreign banks. A foreign bank may establish a U.S. branch or agency only with the prior approval of the Board of Governors and an appropriate licensing authority, *i.e.*, either the Comptroller of the Currency or a state banking regulator. U.S. branches and agencies of foreign banks are subject to the supervision of the Board of Governors and must meet many of the rules and regulations applicable to domestic commercial banks.

U.S. branches of foreign banks principally accept wholesale deposits, that is, deposits greater than the \$100,000 FDIC insurance limit. U.S. agencies of foreign banks typically do not accept deposits, although under the laws of some states an agency may have authority to do so. Since December 19, 1991, federal banking laws require foreign banks located in the United States that accept retail deposits (generally, deposits of less than \$100,000), to do so only through a subsidiary bank the deposits of which are insured by the FDIC. See FDIC Improvement Act of 1991, Pub. L. 102-242, Title II, sec. 214(a), 105 Stat. 2303, *codified at* 12 U.S.C. 3104(d). Although U.S. branches of foreign banks are not subsidiary banks, the statute permits branches that had FDIC insurance prior to that date to continue to accept or maintain retail deposits. See *id.* Thus, with the exception of branches whose deposits were insured by the FDIC prior to December 19, 1991, U.S. branches and agencies of foreign banks do not accept retail deposits.

Under both the current and previous definitions of the term "deposits in banks or trust companies," FHLBank deposits in the small number of U.S. branches the deposits of which are insured by the FDIC, are eligible investments for purposes of section 11(g) of the Bank Act since the definitions include deposits in FDIC-insured depository institutions. See 12 CFR 931.5 (1995 superseded); 12 CFR 931.5 (1996). FHLBank deposits in the U.S. branches and agencies whose deposits are not insured by the FDIC are not eligible investments. See *Id.*

Since all U.S. branches and agencies of foreign banks operate in a similar manner regardless of their FDIC-insurance status, and all are subject to the same legal requirements and the supervision of the Board of Governors, the Finance Board believes that the

inadvertent distinction made in the definition based on whether the institution's deposits are FDIC-insured is neither required nor appropriate. In order to eliminate the distinction and treat all U.S. branches and agencies of foreign banks equally, the Finance Board is amending the definition of "deposits in banks or trusts" in § 931.5 to include as eligible investments for purposes of section 11(g) of the Bank Act, FHLBank deposits in any U.S. branch or agency of a foreign bank that has legal authority to accept deposits or engage in federal funds transactions. To achieve this result, the Finance Board has added a new § 931.5(c)(3) that includes expressly a deposit in, or federal funds transactions with, a U.S. branch or agency of a foreign bank that is subject to the supervision of the Board of Governors and is designated by a FHLBank's board of directors. The terms "branch," "agency," and "foreign bank" have the same meaning as in the International Banking Act of 1978, as amended. See 12 U.S.C. 3101(1), (3), (7).

The changes made by the interim final rule also are consistent with the provisions of federal law that require the treatment of all U.S. branches and agencies of foreign banks to be similar to the treatment of domestic depository institutions.

III. Notice and Public Participation

The Finance Board finds that the notice and comment procedure required by the Administrative Procedure Act is unnecessary, impracticable, and contrary to the public interest in this instance because the change made by the interim final rule is technical in nature and applies only to the FHLBanks. See 5 U.S.C. 553(b)(3)(B). In addition, as explained above, the changes made by the interim final rule are necessary to comply with various provisions of federal law. Nevertheless, because the Finance Board believes public comments aid in effective rulemaking, it will accept written comments on the interim final rule on or before March 17, 1997.

IV. Effective Date

For the reasons stated in part III above, the Finance Board for good cause finds that the interim final rule should become effective on February 14, 1997. See 5 U.S.C. 553(d)(3).

V. Regulatory Flexibility Act

The Finance Board is adopting the technical amendment to part 931 in the form of an interim final rule and not as a proposed rule. Therefore, the provisions of the Regulatory Flexibility

Act do not apply. See 5 U.S.C. 601(2), 603(a).

VI. Paperwork Reduction Act

No collections of information pursuant to the Paperwork Reduction Act of 1995 are contained in this interim final rule. See 44 U.S.C. 3501, *et seq.* Consequently, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 931

Banks, banking, Federal home loan banks.

Accordingly, the Federal Housing Finance Board hereby amends title 12, chapter IX, part 931 of the Code of Federal Regulations, as follows:

PART 931—DEFINITIONS

1. The authority citation for part 931 continues to read as follows:

Authority: 12 U.S.C. 1422a, 1422b, 1427, and 1431(g).

2. Section 931.5 is revised to read as follows:

§ 931.5 Deposits in banks or trust companies.

Include:

- (a) A deposit in another Bank;
- (b) A demand account in a Federal Reserve Bank; and
- (c) A deposit in, or a sale of federal funds to:
 - (1) An insured depository institution, as defined in section 2(12)(A) of the Act, that is designated by a Bank's board of directors;
 - (2) A trust company that is a member of the Federal Reserve System or insured by the Federal Deposit Insurance Corporation, and is designated by a Bank's board of directors; or
 - (3) A U.S. branch or agency of a foreign bank, as defined in the International Banking Act of 1978, as amended (12 U.S.C. 3101 *et seq.*), that is subject to the supervision of the Board of Governors of the Federal Reserve System, and is designated by a Bank's board of directors.

By the Board of Directors of the Federal Housing Finance Board
Bruce A. Morrison,
Chairperson.

[FR Doc. 97-3403 Filed 2-13-97; 8:45 am]

BILLING CODE 6725-01-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-153-AD; Amendment 39-9925; AD 97-04-01]

RIN 2120-AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737 series airplanes, that requires modification of the aileron centering spring and trim mechanism. This amendment is prompted by a review of the design of the flight control systems on Model 737 series airplanes. The actions specified by this AD are intended to prevent jamming of the aileron control system during flight due to fracturing of the springs in the aileron centering units; this condition, if not corrected, could result in reduced lateral control of the airplane.

DATES: Effective March 21, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 21, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Don Kurle, Senior Engineer, Systems and Equipment Branch, ANM-130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2798; fax (206) 227-1181.

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 certain Boeing Model 737 series airplanes was published in the Federal Register on August 28, 1996 (61 FR 44247). That action proposed to require modification

of the aileron centering spring and trim mechanism.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Request To Revise Statement of Findings of Critical Design Review Team

One commenter requests the second paragraph of the Discussion section that appeared in the preamble to the proposed rule be revised to accurately reflect the findings of the Critical Design Review (CDR) team. The commenter asks that the FAA delete the one sentence in that paragraph, which read: "The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as correction of certain design deficiencies." The commenter suggests that the following sentences should be added: "The team did not find any design issues that could lead to a definite cause of the accidents that gave rise to this effort. The recommendations of the team include various changes to the design of the flight control systems of these airplanes, as well as incorporation of certain design improvements in order to enhance its already acceptable level of safety."

The FAA does not find that a revision to this final rule in the manner suggested by the commenter is necessary, since the Discussion section of a proposed rule does not reappear in a final rule. The FAA acknowledges that the CDR team did not find any design issue that could lead to a definite cause of the accidents that gave rise to this effort. However, as a result of having conducted the CDR of the flight control systems on Boeing Model 737 series airplanes, the team indicated that there are a number of recommendations that should be addressed by the FAA for each of the various models of the Model 737. In reviewing these recommendations, the FAA has concluded that they address unsafe conditions that must be corrected through the issuance of AD's. Therefore, the FAA does not concur that these design changes merely "enhance [the Model 737's] already acceptable level of safety."

Request To Withdraw the Proposal

One commenter contends that the proposal is not justified since it cannot be supported by data. The commenter does not consider that the proposal contributes to improving the safety aspects of Model 737 airplanes. The

commenter states that the Critical Design Review (CDR) team's report does not indicate that there is any evidence to tie the referenced service documents to any in-service problems or accidents. The commenter adds that the FAA has not indicated that it has reviewed any routine component tear-down reports that would support the proposed actions. The commenter concludes that the FAA does not understand the enormity of the proposed action. The FAA infers from these remarks that the commenter requests the proposed rule be withdrawn.

The FAA does not concur. The FAA has received at least 26 reports from two operators of Model 737 series airplanes indicating that fractured springs were found in the aileron centering units. The cause of the fracturing was attributed to fatigue cracking. Two of the reports indicated that the fractured springs had become lodged in a centering cam hole, which caused binding of the aileron control system. The FAA's position is that this condition is a potential unsafe condition that must be corrected in order to ensure the safety of the affected fleet.

Request To Delay Issuance of the Final Rule

The Air Transport Association (ATA) of America, on behalf of two of its members, requests that the FAA postpone issuing the final rule until Boeing revises the service bulletin cited in the proposal to incorporate the three Notice of Status Change documents referenced in the proposed AD. The ATA indicates that this will ensure no confusion exists concerning service bulletin recommendations.

The FAA does not concur with the commenter's request to delay issuance of the final rule. The FAA has been advised that Boeing has no plans to revise the referenced service bulletin to incorporate the Notice of Status Change documents. To delay this action would be inappropriate, since the FAA has determined that an unsafe condition exists and that the required modification must be accomplished to ensure continued safety.

Requests To Revise Compliance Time

One commenter requests that the proposed compliance time be shortened from 18 months to 12 months to provide an acceptable level of safety. The commenter provides no data in support of its request.

A second commenter requests that the proposed compliance time be extended beyond 18 months to ensure that adequate parts and trained personnel are available to accomplish the

modification. The commenter did not submit data to substantiate its request.

The FAA does not concur with the commenters' requests to revise the compliance time. As explained in the preamble to the proposal, the FAA's intent is that the modification be performed during a regularly scheduled maintenance visit for the majority of the affected fleet when the airplanes would be located at a base where special equipment and trained personnel would be readily available, if necessary. The FAA finds that 18 months corresponds closely to the interval representative of most of the affected operators' normal maintenance schedules. The FAA considers that this interval will provide an acceptable level of safety.

Request To Allow Measurement of Thickness of Aileron Centering Spring

The ATA, on behalf of one of its members, requests that operators be allowed to measure the thickness of the aileron centering spring in lieu of determining the part number. The ATA indicates that the part number of the aileron centering spring cannot be determined by inspecting the part because it is impossible to read the part number on the spring. However, the difference in diameter between the spring having part number 69-39429-2 and the spring having part number 69-39429-3 can be distinguished by measurement. The ATA states that if a part has a thickness greater than 0.13 inch, this should constitute compliance with the AD. One ATA member indicates that drawings show that the spring having part number 69-39429-2 is made from 0.125-inch diameter wire, and that the spring having part number 69-39429-3 is made from 0.135-inch diameter wire.

The FAA does not concur. The FAA acknowledges that, except for a removable tag, the spring is not marked with a part number. However, it is not necessary to read the part number of the spring. If an operator previously has performed the actions described in the referenced service bulletin, the correct spring should be installed on the airplane; if not, an incorrect spring would have been installed. In the unlikely event that the spring has been changed due to a maintenance action apart from incorporation of the referenced service bulletin, it is difficult to determine which spring is installed. The only way to ensure that the proper spring is installed is to perform the actions of the referenced service bulletin. Further, the FAA does not agree that the springs having part numbers 69-39429-2 and 69-39429-3 are made from different diameter wire;

the FAA has determined that both springs are made from 0.135-inch diameter wire.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 1,631 Model 737 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 830 airplanes of U.S. registry will be affected by this AD.

The FAA estimates that 485 Group 1 airplanes will be affected by this AD. For Group 1 airplanes, the FAA estimates that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$707 per airplane. Based on these figures, the cost impact of the AD on U.S. operators of Group 1 airplanes is estimated to be \$401,095, or \$827 per airplane.

The FAA estimates that 345 Group 2 airplanes will be affected by this AD. For Group 2 airplanes, the FAA estimates that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$224 per airplane. Based on these figures, the cost impact of the AD on U.S. operators of Group 2 airplanes is estimated to be \$118,680, or \$344 per airplane.

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

Regulatory Impact

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 the following new airworthiness directive:

97-04-01 Boeing: Amendment 39-9925. Docket 96-NM-153-AD.

Applicability: Model 737 series airplanes; as listed in Boeing Service Bulletin 737-27-1155, dated October 26, 1989; as revised by Notices of Status Change No. 737-27-1155NSC1, dated January 25, 1990, No. 737-27-1155NSC2, dated February 15, 1990, and No. 737-27-1155NSC3, dated May 17, 1990; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent jamming of the aileron control system during flight, which could result in reduced lateral control of the airplane, accomplish the following:

(a) Within 18 months after the effective date of this AD, accomplish the requirements

of paragraphs (a)(1), (a)(2), and (a)(3) of this AD, as applicable, in accordance with Boeing Service Bulletin 737-27-1155, dated October 26, 1989; as revised by Notice of Status Change No. 737-27-1155NSC1, dated January 25, 1990, and Notice of Status Change No. 737-27-1155NSC2, dated February 15, 1990, and Notice of Status Change No. 737-27-1155NSC3, dated May 17, 1990.

(1) For Groups 1 and 2 airplanes: Replace the aileron centering springs, part number (P/N) 69-39429-2, with improved springs, P/N 69-39429-3, in accordance with the service bulletin and Notices of Status Change.

(2) For Groups 1 and 2 airplanes: Install a two-piece plug, P/N 69-78072-1, in the weight reduction hole in the feel cam in accordance with the service bulletin and Notices of Status Change.

(3) For Group 1 airplanes: Replace the two eyebolts, P/N 69-39423-1, of the aileron centering spring attachment with new eyebolts, P/N 69-74646-1, in accordance with the service bulletin and Notices of Status Change.

(b) As of the effective date of this AD, no person shall install the items specified in paragraphs (b)(1) and (b)(2) of this AD on any airplane, as specified:

(1) For Groups 1 and 2 airplanes: Aileron centering springs having P/N 69-39429-2 shall not be installed.

(2) For Group 1 airplanes: Eyebolts, P/N 69-39423-1, of the aileron centering spring attachment shall not be installed.

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

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

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

(e) The replacement and installation shall be done in accordance with Boeing Service Bulletin 737-27-1155, dated October 26, 1989; as revised by Notice of Status Change No. 737-27-1155NSC1, dated January 25, 1990, and Notice of Status Change No. 737-27-1155NSC2, dated February 15, 1990, and Notice of Status Change No. 737-27-1155NSC3, dated May 17, 1990. 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 Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124-2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on March 21, 1997.

Issued in Renton, Washington, on February 4, 1997.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 97-3267 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 96-AEA-15]

**Establishment of Class E Airspace;
Stuart, VA**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Stuart, VA, to accommodate a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 26 at Micro Airport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations at the airport.

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA-530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On January 3, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace at Stuart, VA (62 FR 348). This action would provide adequate Class E airspace for IFR operations at Micro Airport.

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

Class E airspace areas designations are published in paragraph 6605 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulation (14 CFR part 71) establishes Class E airspace area at Stuart, VA, to accommodate a GPS RWY 26 and for IFR operations at Micro Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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 10034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

AEA VA E5 Stuart, VA [New]

Micro Airport, VA
(lat. 36°44'07"N., long. 80°26'56"W.)

That airspace extending upward from 700 feet above the surface within a 8-mile radius of Micro Airport and within 4.5 miles each side of the 072° bearing from the airport from the 8-mile radius to 15 miles northeast of the airport.

* * * * *

Issued in Jamaica, New York on February 3, 1997.

James K. Buckles,
Acting Manager, Air Traffic Division, Eastern
Region.

[FR Doc. 97-3750 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 96-AEA-16]

**Establishment of Class E Airspace;
Johnstown, NY**

AGENCY: Federal Aviation
Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Johnstown, NY, to accommodate Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) to Runway (RWY) 10 and RWY 28 at Fulton County Airport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations at the airport.

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA-530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On January 3, 1997, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace at Johnstown, NY (62 FR 347). This action would provide adequate Class E airspace for IFR operations at Fulton County Airport.

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

Class E airspace areas designations are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR

Part 71) establishes Class E airspace area at Johnstown, NY to accommodate a GPS RWY 10 and a GPS RWY 28 SIAP and for IFR operations at Fulton County Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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 10034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

AEA NY E5 Johnstown, NY [New]

Fulton County Airport, NY
(lat. 42°59'54"N., long. 74°19'46"W.)

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of the Fulton County Airport, excluding that portion that coincides with the Albany, NY Class E airspace area.

* * * * *

Issued in Jamaica, New York on February 3, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97–3751 Filed 2–13–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 96–AEA–14]

Establishment of Class E Airspace; Canandaigua, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Canandaigua, NY, to accommodate Global Positioning System (GPS) Standard Instrument Approach Procedures (SIAP) to Runway (RWY) 13 at Canandaigua Airport. The intended effect of this action is to provide adequate controlled airspace for instrument flight rules (IFR) operations at the airport.

EFFECTIVE DATE: 0901 UTC, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Frances Jordan, Airspace Specialist, Operations Branch, AEA–530, Air Traffic Division, Eastern Region, Federal Aviation Administration, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On December 27, 1996, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace at Canandaigua, NY (61 FR 68172). This action would provide adequate Class E airspace for IFR operations at Canandaigua Airport. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Class E airspace areas designations are published in paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) establishes Class E airspace area

at Canandaigua, NY, to accommodate a GPS RWY 13 and for IFR operations at Canandaigua Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(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 10034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

AEA NY E5 Canandaigua, NY [New]

Canandaigua Airport, NY
(lat. 42°54'26"N., long. 77°19'18"W.)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of the Canandaigua Airport, excluding that portion that coincides with the Rochester, NY Class E airspace area and the Palmyra, NY airspace area.

* * * * *

Issued in Jamaica, New York on February 6, 1997.
 James K. Buckles,
Acting Manager, Air Traffic Division, Eastern Region.
 [FR Doc. 97-3753 Filed 2-13-97; 8:45 am]
 BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 341

Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use

CFR Correction

In title 21 of the Code of Federal Regulations, parts 300 to 499, revised as of April 1, 1996, on page 247, in § 341.12, paragraph (h) should read:

§ 341.12 Antihistamine active ingredients.

- * * * * *
- (h) Doxylamine succinate.
- * * * * *

[FR Doc. 97-55501 Filed 2-13-97; 8:45 am]
 BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 627

[FHWA Docket No. 94-12]

RIN 2125-AD33

Value Engineering

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is establishing a program requiring the application of a value engineering (VE) analysis for all Federal-aid highway projects on the National Highway System (NHS) with an estimated cost of \$25 million or more. The regulation also provides State highway agencies (SHA) with information and guidance on performing VE reviews. This final rule also implements the VE provisions of section 303(b) of the National Highway System Designation Act of 1995.

EFFECTIVE DATE: March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Keith Borkenhagen, Office of Engineering, 202-366-4630, or David Sett, Office of Chief Counsel, 202-366-0780, Federal Highway Administration,

400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The FHWA recognizes that VE, when applied in the development of highway projects, is an effective and proven technique for improving quality, fostering innovation, reducing project costs, and eliminating unnecessary and costly design elements. An FHWA study has confirmed the effectiveness of VE in States with active VE programs and concluded that a significant improvement in program effectiveness would result if all States had active programs. As a result of this study, the FHWA published a notice of proposed rulemaking (NPRM) on November 16, 1994, seeking comments on a proposal to require all States to apply VE to selected Federal-aid highway projects.

In the NPRM, the FHWA proposed to require States to establish, administer, and monitor VE programs; develop written procedures for implementing VE programs; and provide a trained staff or hire a qualified consultant to conduct studies on projects representing 50 percent of the dollar value of their Federal-aid highway program. In addition, the FHWA proposed to allow States to exempt certain categories of projects from reviews and be required to report the yearly results achieved through the application of VE to projects financed with Federal-aid highway funds.

Comments were received from 39 SHAs, 22 consultant/contractor firms, 8 associations/agencies, 14 individuals, and the American Association of State Highway and Transportation Officials' VE task force. The following discussion summarizes the major comments.

Eighteen States and thirty-eight organizations, firms, and/or individuals provided comments supporting VE. Sixteen States and two organizations provided comments opposing a Federal VE mandate. Three firms/individuals suggested that FHWA's projected additional VE savings under the proposed rule of \$100 million could approach \$500 million. Twenty-one States requested clarification of the type and amounts of Federal-aid highway funds involved in determining the 50 percent dollar value while fourteen States, five organizations and four individuals suggested replacing this requirement with a dollar threshold or lower percentage. Two firms thought the 50 percent value was excellent because it gave States great flexibility in selecting projects while four individuals suggested that all projects should

receive a VE analysis. Six States suggested that additional staff might be required to conduct all of the studies necessary to represent 50 percent of their Federal-aid program. Six States requested that VE change proposals and VE studies of standards be used to help meet the 50 percent dollar value, and five States requested that they be allowed to deduct the dollar value of exempted programs from the 50 percent requirement. Each of these comments concerns the threshold for application of Federal VE requirements. Because the National Highway System (NHS) Designation Act mandates a threshold of \$25 million for projects on the NHS, the agency has virtually no discretion in the area.

Eight comments suggested various changes to the training guidelines to require specific VE certification of team leaders and training workshops. All training requirements have been eliminated from the rule text.

One firm suggested that a VE team leader be a Certified Value Specialist (CVS), as approved by the Society of American Value Engineers and a Professional Engineer (PE) while another firm suggested that a team leader be a CVS when leading studies of projects larger than a specific dollar threshold. The FHWA did not include these suggested requirements into the final rule because the States have the responsibility for establishing any certification and training requirements (e.g., CVS, PE) for their VE personnel.

While the FHWA was in the process of analyzing these comments, the National Highway System Designation Act of 1995 (NHS Act) (Pub. L. 104-59, 109 Stat. 568) was enacted on November 28, 1995. Section 303(b) of the NHS Act directs the Secretary of Transportation to establish a program to require States to carry out a VE analysis for all projects on the NHS with an estimated total cost of \$25 million or more. The Conference Report accompanying the NHS Act explains that this provision prohibits the Secretary from requiring VE on other projects, though "[a] State remains free to choose to undertake such analyses on additional projects at a State's discretion." The report also prohibits DOT from being prescriptive as to the form of VE analysis a State must undertake to satisfy the requirement. H.R. Conf. Rep. No. 345, 104th Cong., 1st Sess. 80 (1995).

Based on this mandate, as well as the public comments made as part of the rulemaking process, the final rule has been revised substantially from the NPRM. The threshold for application of the VE requirement has been modified to be consistent with the statute. The

rule has also been significantly shortened, focusing on minimum programmatic needs to ensure proper VE studies are conducted and utilized by the States on qualifying projects. Beyond these minimum needs, the goal is to provide maximum flexibility to the States to conduct VE programs consistent with the rest of their transportation programs.

Specific provisions that were included in the NPRM, but have been eliminated from the final rule due to the NHS Act requirement and in response to the comments received on the NPRM, include: The State reporting requirement; specific language describing the VE process; written procedural requirements; suggested project selection criteria; VE change proposal requirements; and VE training requirements. All of these changes give States greater authority to determine their own program requirements.

Consistent with the Conference Report language, the rule text no longer contains any prescription regarding the form of VE a State must undertake on a specific qualifying project. The final rule does not provide for FHWA oversight of each VE study, instead focusing FHWA's efforts on State implementation of VE programs. Because the method of conducting a VE study has become standardized and widely recognized in the field, study-by-study review is unnecessary. Instead, the final rule makes reference to the widely recognized process of VE studies.

The statutory definition of VE is clarified. The end product of the study is described in greater detail in the rule's definition of value engineering and, in § 627.5(a)(2), examples of the components of a multi-disciplined team are provided. Both of these additions are based on the widely-recognized VE study process.

In order to provide States time to establish VE programs, States need not delay project approvals and letting schedules when establishing or changing VE programs to comply with these requirements. Many States already employ techniques that will meet these VE requirements, however, States should review all projects being designed, without delaying projects expected to be available for letting during the current fiscal year, to identify those needing a VE analysis.

Any State choosing to use an innovative design/build concept to expedite the completion of an applicable NHS project must still comply with the requirement to perform a VE analysis on the project. In most cases the VE analysis should be

performed prior to awarding the design/build contract. The FHWA's division offices will have program oversight responsibility.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. This regulation requires States to carry out a VE analysis for all projects on the NHS with an estimated total cost of \$25 million or more.

The threshold triggering the requirement to conduct a VE analysis under this regulation—projects on the NHS with an estimated total cost of \$25 million or more—will greatly limit the economic impact of this final rule because the total number of federally-funded projects requiring VE analysis each year under this standard will be small. It is estimated that States use a substantial portion of their Federal-aid highway funds, approximately 59 percent, on non-NHS routes. In addition, the FHWA has found that States with VE programs, usually States with medium and large Federal-aid programs, already include these high cost NHS projects in their selection process and should not have to adjust their programs to comply with this regulation. The FHWA contends that States with small Federal-aid highway programs will not encounter NHS projects large enough to meet the dollar threshold requiring a VE analysis on a yearly basis and the regulation's impact on these States will be limited. Therefore, the FHWA anticipates that the economic impacts of this rulemaking will be minimal, and has determined that a full regulatory evaluation is not required.

The regulation may affect staffing levels in States that do not currently utilize VE. Establishing programs to assure that VE studies are performed on all applicable NHS projects will require each SHA to assign staff to carry out specific VE functions. The FHWA contends that the staff assignments needed to perform the functions required by this regulation will be minimal due to the limited number of projects that require an analysis and the fact that States may choose to hire consultants to perform the studies, thereby reducing the regulation's impact on SHA staff. In addition, States with existing programs probably already have

adequate staff assigned to carry out the VE functions of this rule. In either case, the study costs are eligible for reimbursement with Federal-aid highway funds at the appropriate pro-rata share for the type of project studied.

Historically, any additional costs due to the need to hire or reassign staff to manage the VE program have been more than offset by the overall monetary savings resulting from the application of VE studies to highway projects. States with active VE programs report a return on investments of between 30 to 1 and 50 to 1. The opportunity for substantial overall savings exists. In 1994, California, Florida, and Massachusetts reported savings in excess of \$100 million as a result of VE study recommendations.

Since this regulation only requires a VE analysis of large (\$25 million or greater) NHS projects, most local agencies' projects will not fall into the category of projects requiring a VE analysis. Some local agencies, however, that receive large amounts of Federal-aid highway funds may find that they occasionally have a large NHS project that requires a VE analysis. When this occurs, the local agency, in the same manner as an SHA, may choose to conduct the study itself or hire a VE consultant to perform the study. As stated above, the cost of performing VE studies is project-related and is, therefore, eligible for reimbursement with Federal-aid highway funds.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities. The FHWA has determined that most small entities (which generally receive small amounts of Federal-aid highway funds) will not have to perform VE studies because their projects are small and are not expected to fit the project selection criteria set forth in this regulation for performing VE studies.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. Under the Federal-aid highway program, the FHWA reimburses States for costs incurred in highway construction projects. This regulation would simply provide that, as a condition of receiving such grants, States must carry out a value engineering (VE) analysis for all projects on the National Highway System (NHS) with an estimated cost of \$25 million or more. This regulation recognizes the role of the States in employing VE and gives States wide latitude in establishing, administering, and monitoring their VE programs. Therefore, the FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a separate federalism assessment.

Paperwork Reduction Act

This action does not require the collection of information for the purpose of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 23 CFR Part 627

Government procurement, Grant programs—transportation, Highways and roads.

In consideration of the foregoing, the FHWA hereby adds part 627 to Chapter I of title 23, Code of Federal Regulations, as set forth below.

Issued on: February 4, 1997.

Rodney E. Slater,

Federal Highway Administrator.

The FHWA amends 23 CFR to add Part 627 to read as follows:

PART 627—VALUE ENGINEERING

Sec.

627.1 Purpose and applicability.

627.3 Definitions.

627.5 General principles and procedures.

Authority: 23 U.S.C. 106(d), 106(f), 302, 307, and 315; 49 CFR 18.

§ 627.1 Purpose and applicability.

(a) This regulation will establish a program to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments by requiring the application of value engineering (VE) to all Federal-aid highway projects on the National Highway System (NHS) with an estimated cost of \$25 million or more.

(b) In accordance with the Federal-State relationship established under the Federal-aid highway program, State highway agencies (SHA) shall assure that a VE analysis has been performed on all applicable projects and that all resulting, approved recommendations are incorporated into the plans, specifications and estimate.

§ 627.3 Definitions.

Project. A portion of a highway that a State proposes to construct, reconstruct, or improve as described in the preliminary design report or applicable environmental document. A project may consist of several contracts or phases over several years.

Value engineering. The systematic application of recognized techniques by a multi-disciplined team to identify the function of a product or service, establish a worth for that function, generate alternatives through the use of creative thinking, and provide the needed functions to accomplish the original purpose of the project, reliably, and at the lowest life-cycle cost without sacrificing safety, necessary quality, and environmental attributes of the project.

§ 627.5 General principles and procedures.

(a) *State VE programs.* State highway agencies must establish programs to assure that VE studies are performed on all Federal-aid highway projects on the NHS with an estimated cost of \$25 million or more. Program procedures should provide for the identification of candidate projects for VE studies early in the development of the State's multi-year Statewide Transportation Improvement Program.

(1) *Project selection.* The program may, at the State's discretion, establish specific criteria and guidelines for selecting other highway projects for VE studies.

(2) *Studies.* Value engineering studies shall follow the widely recognized systematic problem-solving analysis process that is used throughout private industry and governmental agencies. Studies must be performed using multi-disciplined teams of individuals not personally involved in the design of the project. Study teams should consist of a team leader and individuals from different speciality areas, such as design, construction, environment, planning, maintenance, right-of-way, and other areas depending upon the type of project being reviewed. Individuals from the public and other agencies may also be included on the team when their inclusion is found to be in the public interest.

(i) Each team leader should be trained and knowledgeable in VE techniques and be able to serve as the coordinator and facilitator of the team.

(ii) Studies should be employed as early as possible in the project development or design process so that accepted VE recommendations can be implemented without delaying the progress of the project.

(iii) Studies should conclude with a formal report outlining the study team's recommendations for improving the project and reducing its overall cost.

(3) *Recommendations.* The program should include procedures to approve or reject recommendations and ensure the prompt review of VE recommendations by staff offices whose speciality areas are implicated in proposed changes and by offices responsible for implementing accepted recommendations. Reviews by these offices should be performed promptly to minimize delays to the project.

(4) *Incentives.* The program may include a VE or cost reduction incentive clause in an SHA's standard specifications or project special provisions that allows construction contractors to submit change proposals and share the resulting cost savings with the SHA.

(5) *Monitoring.* The program should include procedures for monitoring the implementation of VE study team recommendations and VE change proposal recommendations submitted by construction contractors.

(b) *State VE coordinators.* Individuals knowledgeable in VE shall be assigned responsibilities to coordinate and monitor the SHA's program and be actively involved in all phases of the program.

(c) *Use of consultants.* Consultants or firms with experience in VE may be retained by SHAs to conduct the studies of Federal-aid highway projects or elements of Federal-aid highway

projects required under § 627.1(a) of this part. Consultants or firms should not be retained to conduct studies of their own designs unless they maintain separate and distinct organizational separation of their VE and design sections.

(d) *Funding eligibility.* The cost of performing VE studies is project related and is, therefore, eligible for reimbursement with Federal-aid highway funds at the appropriate pro-rata share for the project studied.

[FR Doc. 97-3758 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-22-P

23 CFR Parts 630, 635, and 771

[FHWA Docket No. 96-3]

RIN 2125-AD58

Federal-Aid Project Agreement

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule.

SUMMARY: The FHWA is amending its regulation on project agreements. The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 modified the requirement that preliminary engineering and right-of-way projects must be advanced to the construction stage within certain time limits. Changes to the agreement provisions reflect these adjustments. The new procedures provide more flexibility in the format of the agreement document and permit the development of a single document to serve as both the project authorization and project agreement document. Other changes were made to shorten the agreement document and to add clarity to the process.

EFFECTIVE DATE: This final rule is effective March 17, 1997.

FOR FURTHER INFORMATION CONTACT: Jack Wasley, Office of Engineering, 202-366-0450, or Wilbert Baccus, Office of the Chief Counsel, 202-366-0780, FHWA, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday except Federal holidays.

SUPPLEMENTARY INFORMATION: The amendments in this final rule are based primarily on the notice of proposed rulemaking (NPRM) published in the January 30, 1996, Federal Register at 61 FR 2973 (FHWA Docket No. 96-3). All comments received in response to this NPRM have been considered in adopting these amendments.

Under the provisions of 23 U.S.C. 110, a formal agreement between the State highway agency and the FHWA is required for Federal-aid highway projects. This agreement, referred to as

the "project agreement," is in essence a written contract between the State and the Federal government defining the extent of the work to be undertaken and commitments made concerning the project.

Requirements covering project agreements are contained in this final rule. This final rule updates and modifies the existing Federal-aid project agreement regulation to incorporate changes mandated by the ISTEA, Pub. L. 102-240, 105 Stat. 1914, to streamline the project agreement form and provisions, and to allow more versatility in its use. This final rule amends the existing regulation in the following manner and for the reasons indicated below.

Section 630.301 Purpose

The statement of purpose is revised with minor changes for clarity.

Section 630.303 Preparation of Agreement

This section no longer requires the use of a specific form. Instead, a State has the flexibility to use whatever format is suitable to provide the information required for a project agreement document.

Section 630.305 Modification of Original Agreement

A State is still required to prepare a modification to a project agreement as changes occur. However, this section no longer requires the use of a specific form. Instead, a State is allowed to develop its own form for modification of the project agreement, provided it contains necessary information as identified by the regulation.

Section 630.307 Agreement Provisions

This section identifies the provisions that must be a part of each agreement. The project agreement has been simplified by eliminating all the boilerplate provisions that are not required from the agreement itself. The provisions that are necessary have been included in this section of the regulation. The simplified project agreement would incorporate, by reference to this section, these provisions into each agreement. The following discussion covers each of the required provisions.

Section 630.307(a) is a general provision under which the State agrees to comply with title 23, United States Code (U.S.C.), the regulations implementing title 23, and the policies and procedures established by the FHWA. In addition, States must also comply with all other applicable Federal laws and regulations. This

general provision is broad in scope and there is little need for other provisions which cover only a limited feature of title 23, U.S.C.

Section 630.307(b) represents an acknowledgment by the State that it has a financial obligation for the non-Federal share of the cost of the project.

Sections 630.307(c)(1) and (c)(2) contain provisions that implement statutory requirements concerning a State's payback of Federal funds it has received for right-of-way acquisition or preliminary engineering should the project not be advanced within the designated statutory time frames. Paragraph (c)(1), Project for Acquisition of Rights-of-Way, implements the requirement in 23 U.S.C. 108(a) that the agreement between the State and the FHWA for right-of-way acquisition projects shall include a provision that construction shall begin within 20 years. This reflects an amendment to 23 U.S.C. 108(a) resulting from passage of section 1017(a) of the ISTEA.

With regard to paragraph (c)(2), Preliminary engineering project, prior to passage of the ISTEA, an administrative decision by the FHWA required repayment of Federal-aid highway funds authorized for preliminary engineering if right-of-way acquisition or actual construction had not begun within 5 years after authorization of the preliminary engineering. The general concept of this provision is now found in the statute; section 1016(a) of the ISTEA incorporated this provision into 23 U.S.C. 102(b). One significant difference between the statutory provision and the existing FHWA practice is that 10 years instead of 5 years must pass before payback is required. Paragraph (c)(2) reflects the 10-year payback period.

Sections 630.307(c)(3), (c)(4) and (c)(5) contain provisions for a drug-free workplace, suspension/debarment, and lobbying required by 49 CFR 29.630, 49 CFR 29.510 and 49 CFR 20.110, respectively.

According to 49 CFR 29.630(c), a State is allowed to make one yearly certification for the drug-free workplace certification. Although the FHWA has used annual or quarterly program certifications for the others in the past, it was determined that these certifications do not fully comply with the provisions of previously cited requirements in 49 CFR 29.510 and 49 CFR 20.110. Placing language in the project agreement as part of the general provisions provides the separate certification action required for every project. Project-by-project certifications are deemed to fully satisfy the requirements in title 49, CFR, and

constitute the making of the certifications by virtue of signature on the project agreement document.

In the NPRM, the FHWA proposed to remove provision 20, Environmental Impact Mitigation Features, from § 630.307, appendix A, and to move it to 23 CFR part 771. The requirements of this provision ensure that State Highway agencies comply with Federal mitigation standards as directed by the Council on Environmental Quality (CEQ) regulations for implementing the National Environmental Policy Act (NEPA)(40 CFR 1505.3). The State Highway agencies would then be required to comply with 23 CFR part 771 through the broad scope of 23 CFR 630.301.

Section 635.102 Definitions

Section 635.102 incorporates the definitions contained in § 630.302 (b), (d), (h), (i), and (k). These definitions apply to § 630.305, Agreement provisions regarding overrun in contract time. Due to the move of § 630.305 to § 635.127, the definitions contained in § 630.302 (b), (d), (h), (i), and (k) have been inserted in alphabetical order into the definitions currently in this section. The term *Secondary Road Plan* is removed as this plan no longer exists.

Section 630.305 Agreement Provisions Regarding Overruns in Contract Time

Section 630.305 has been redesignated as § 635.127. The text of the section remains unchanged.

The FHWA is also making three minor technical changes to 23 CFR part 635, which were not included in the NPRM. Those changes simply involve the removal of the term "Secondary Road Plan" in §§ 635.103, 635.124, and 635.126. As in 23 CFR 635.102, these sections need to be updated to reflect the nonexistence of the Secondary Road Plan, which was phased out in the ISTEA. The FHWA believes that prior notice and comment are unnecessary because these changes are not substantive in nature, but merely update 23 CFR part 635 to reflect current law.

Discussion of Comments

Interested persons were invited to participate in the development of this final rule by submitting written comments on the NPRM to FHWA Docket 96-3 on or before April 1, 1996. There were 15 commenters to this docket, all representing State transportation agencies. Ten State transportation agencies specially stated their endorsement of the proposed rewrite of the regulation. The remainder were in agreement with the rewrite and raised items for consideration. A

summary of the comments received relative to each proposed amendment follows.

For § 630.301, no comments were received.

Section 630.303 discusses preparation of the project agreement. All commenters were in favor of eliminating from the regulation the specified form for this agreement. One commenter objected to the requirement in proposed § 630.303(b)(5) that the project agreement include information on the Federal share expressed either as a pro rata percentage or lump sum. The FHWA agrees with this comment because the Federal share is established at authorization and does not have to be repeated in the agreement. Therefore, this requirement is not included in the regulation.

In addition, an electronic version of the agreement, as provided by the FHWA, may be used. Two commenters suggested that they also be allowed to provide their own electronic version of the agreement subject to FHWA approval. It is noted that the FHWA version is closely tied to the agency's Fiscal Management and Information System (FMIS). Any alternate electronic form proposed would need to be fully compatible with the FMIS. Use of electronic format also requires acceptance of an electronic signature. The FHWA has established procedures under which electronic signatures, both by State and FHWA officials, can be used for executing project agreements. One State suggested it be allowed to use its own digital signature format. Again, any alternate signature format would have to be compatible with the FMIS.

Section 630.305 discusses preparation of modifications to the project agreement. No specific form is specified, and similar to the project agreement, the FHWA has provided an electronic version to modify project agreements. Again, all commenters were in favor of eliminating from the regulation the specified form for a project agreement modification. Two commenters were concerned about the need to provide a sequential number identifying the modification and the need to provide the revised total project cost and amount of Federal funds under agreement. These two data items have long been required as part of the standard modification of project agreement form. The FHWA's electronic process for modifying a project agreement will automatically assign a sequential number to the modification and determine the new total project cost and amount of Federal funds. If a State chooses to use its own written form, it will need to provide this information.

The FHWA believes these two data items are reasonable information to require in tracking agreement changes, and the final rule continues the requirement that these data items be included in a modification to the project agreement. The FHWA recognizes that using the project agreement to modify the cost continues to present problems. This is even more complex and complicated when translated into an electronic version of the agreement. The FHWA will continue to review this situation and will consider issuing additional guidance or undertaking further rulemaking as appropriate.

Section 630.307 identifies provisions that, by reference, must be included in each project agreement. The first provision, § 630.307(a), is a general provision in which the State agrees to comply with the requirements of title 23, United States Code, and the implementing regulations and policies, as well as other applicable Federal laws and regulations such as title VI of the 1964 Civil Rights Act. In the NPRM preamble, the FHWA solicited input on the need to specifically refer to other non-title 23 Federal laws and regulations with which the States must comply. Most commenters on this issue felt that it was not necessary to list the non-title 23 laws and regulations. Many felt that such a listing would become outdated, and that the general statement contained in the first provision, § 630.307(a), referencing these other laws and regulations is sufficient. Based on this input, the FHWA has decided to proceed with § 630.307(a) only providing the general reference to other non-title 23 laws and regulations.

Section 630.307(c) (1) and (2) implement the requirements in 23 U.S.C. 108(a) and 102(b) for payback of Federal-aid funds authorized for right-of-way or preliminary engineering should a project not be advanced within designated time frames. Section 108(a) of title 23, U.S.C., requires payback of Federal funds made available for right-of-way acquisition if the actual construction of the project has not started within 20 years following the fiscal year that Federal funding is made available for right-of-way acquisition. Section 102(b) of title 23, U.S.C., requires payback of Federal funds made available for preliminary engineering if right-of-way acquisition or construction has not started within 10 years after the date that Federal funding is made available for the preliminary engineering.

For these payback requirements, the term "available" has been interpreted by the FHWA to mean the fiscal year in which the FHWA authorizes the right-

of-way or preliminary engineering activity. One commenter believes the term "available" should instead be interpreted to mean the date the project agreement is executed. The FHWA disagrees. The FHWA's commitment or obligation of Federal funds to a specific project activity occurs at the time that the FHWA authorizes Federal funds for that activity. It is reasonable to equate this authorization action to a point in time that funds are first made available for an activity.

Another commenter suggested that the 10-year payback requirement for preliminary engineering include a provision that would allow extension of this time limit under special circumstances. It is noted that under 23 U.S.C. 108(a), the statute does allow extensions of the 20-year payback limit for right-of-way acquisition projects. However, under 23 U.S.C. 102(b), the statute contains no provision for extensions of the 10-year limit for preliminary engineering. Consequently, the FHWA does not have the authority to establish extensions to the preliminary engineering payback limit.

Sections 630.307(c)(3), (c)(4), and (c)(5) cover certifications for a drug-free workplace, suspension/debarment, and lobbying required by 49 CFR 29.630, 49 CFR 29.510, and 49 CFR 20.110, respectively. One commenter suggested that these certifications be done on an annual basis. Although the FHWA has used annual certifications in the past, a question arose as to whether an annual certification fully complies with the provisions of previously cited requirements in title 49, CFR. Project-by-project certifications satisfy the requirements in title 49, CFR, and the final rule provides that by signing the project agreement, the State is providing the required certifications.

The language in the NPRM for proposed 23 CFR 630.307(c)(3), (4), and (5) was intended to implement the requirements of 49 CFR 29.630, 49 CFR 29.510, and 49 CFR 20.110, respectively. Differences in language between title 23 and title 49, however, could lead to confusion. Accordingly, it was decided to replace the proposed language for 23 CFR 630.307(c)(3), (4), and (5) with explicit cross-references to the relevant provisions in title 49.

No comments were received on the amendments to parts 635 and 771.

The following table is provided to assist the user in locating the regulatory paragraph changes made by this rulemaking:

Old section	New section
630.301	630.301.

Old section	New section
630.302	Removed (except (b), (d), (h), (i), and (k)).
630.302(b)	635.102.
630.302(d)	635.102.
630.302(h)	635.102.
630.302(i)	635.102.
630.302(k)	635.102.
630.303	630.303.
630.304	630.303.
630.305	635.127.
630.306	630.305.
None	630.307 (a) and (b).
Appendix A	Removed.
Prov. 1	Removed.
Prov. 2	Removed.
Prov. 3	630.307(c)(1).
Prov. 4	630.307(c)(2).
Prov. 5 through 19	Removed.
Prov. 20	771.109(d).
Appendix B	Removed.
Appendix C	Removed.
None	630.307(c)(3), (c)(4), and (c)(5).

Rulemaking Analyses and Notices

As noted above, the FHWA is also making three minor technical changes to 23 CFR part 635, which were not included in the NPRM. Those changes simply involve the removal of the term "Secondary Road Plan" from §§ 635.103, 635.124, and 635.126. The FHWA has determined that prior notice and opportunity for comment as to these changes are unnecessary under 5 U.S.C. 553(b)(3)(B) because these changes are required to reflect the nonexistence of the Secondary Road Plan, which was phased out in the ISTEA, and are therefore only minor and technical in nature. The removal of the references to Secondary Road Plan does not substantively effect sections 635.103, 635.104, and 635.126, but merely updates 23 CFR part 635 to reflect current law.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has determined that this action is not a significant regulatory action within the meaning of Executive Order 12866 or significant within the meaning of Department of Transportation regulatory policies and procedures. The proposed amendments would update the Federal-aid project agreement regulation to conform to recent laws, regulations, or guidance and to clarify existing policies. It is anticipated that the economic impact of this rulemaking will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601-612), the

FHWA has evaluated the effects of this rule on small entities. Based on the evaluation, the FHWA certifies that this action will not have a significant economic impact on a substantial number of small entities. The amendments clarify or simplify procedures used by State highway agencies in accordance with existing laws, regulations, or guidance.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

The information collection requirements associated with this rulemaking in § 630.303 have been approved by the Office of Management and Budget under control number OMB 2125-0529 and expire June 30, 1997. The information collection requirements associated with this rulemaking would update and modify existing requirements to reflect statutory changes to the project agreement process enacted by the ISTEA, streamline the project agreement form and provisions, and allow more versatility in its use.

National Environmental Policy Act

The agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects

23 CFR Parts 630

Government contracts, Grant programs—Transportation, Highways and roads, Project agreement procedures, Reporting and recordkeeping requirements.

23 CFR Parts 635

Buy America, Government contracts—construction authorization, Grant programs—transportation, Highways and roads, Intergovernmental relations, Interstate maintenance, Materials and product selection.

23 CFR Parts 771

Environmental impact statements, Grant programs—transportation, Highways and roads, Historic preservation, Public lands, Recreation areas, Wildlife refuges.

Issued on: February 4, 1997.

Rodney E. Slater,

Federal Highway Administrator.

In consideration of the foregoing, the FHWA amends Title 23, Code of Federal Regulations, Parts 630, 635, and 771 as set forth below.

PART 630—PRECONSTRUCTION PROCEDURES

1. The authority citation for part 630 is revised to read as follows and all other authority citations which appear throughout part 630 are removed:

Authority: 23 U.S.C. 105, 106, 109, 110, 115, 315, 320, and 402(a); 23 CFR 1.32; 49 CFR 1.48(b).

2. The authority citation for part 635 is revised to read as follows:

Authority: 23 U.S.C. 101 (note), 109, 112, 113, 114, 116, 117, 119, 128, and 315; 31 U.S.C. 6506; 42 U.S.C. 3334, 4601 *et seq.*; 23 CFR 1.32; 49 CFR 1.48(b); sec. 1041(a), Pub. L. 102-240, 105 Stat. 1914.

§ 630.305 [Redesignated as § 635.127]

3. Section 630.305, Agreement provisions regarding overruns in contract time, is redesignated as § 635.127.

4. Part 630, subpart C is revised to read as follows:

Subpart C—Project Agreements

Sec.

630.301 Purpose.

630.303 Preparation of agreement.

630.305 Modification of original agreement.

630.307 Agreement provisions.

Subpart C—Project Agreements

§ 630.301 Purpose.

The purpose of this subpart is to prescribe the procedures for the execution of the project agreement

required by 23 U.S.C. 110(a) for Federal-aid projects, except for forest highway projects pursuant to 23 U.S.C. 204, and for non-highway public mass transit projects administered by the Federal Transit Administration.

§ 630.303 Preparation of agreement.

(a) The State highway agency (SHA) shall prepare a project agreement for each Federal-aid highway and FHWA planning and research project eligible for Federal-aid funding.

(b) The SHA may develop the project agreement in a format acceptable to both the SHA and the FHWA provided the following are included:

(1) A description of the project location including State and project termini;

(2) The Federal-aid project number;

(3) The phases of work covered by the agreement along with the effective date of authorization for each phase;

(4) The total project cost and amount of Federal funds under agreement;

(5) A statement that the State accepts and will comply with the agreement provisions set forth in 23 CFR 630.307;

(6) A statement that the State stipulates that its signature on the project agreement constitutes the making of the certifications set forth in 23 CFR 630.307; and

(7) Signatures of officials from both the State and the FHWA and date executed.

(c) The project agreement may be combined with the project authorization required under 23 CFR part 630, subpart A.

(d) The SHA may use an electronic version of the agreement as provided by the FHWA.

(Approved by the Office of Management and Budget under control number 2125-0529)

§ 630.305 Modification of original agreement.

(a) When changes are needed to the original project agreement, a modification of agreement shall be prepared.

(b) The SHA may develop the modification of project agreement in a format acceptable to both the SHA and the FHWA provided the following are included:

(1) The Federal-aid project number and State;

(2) A sequential number identifying the modification;

(3) A reference to the date of the original project agreement to be modified;

(4) The original total project cost and the original amount of Federal funds under agreement;

(5) The revised total project cost and the revised amount of Federal funds under agreement;

(6) The reason for the modifications; and,

(7) Signatures of officials from both the State and the FHWA and date executed.

(c) The SHA may use an electronic version of the modification of project agreement as provided by the FHWA.

§ 630.307 Agreement provisions.

(a) The State, through its highway agency, accepts and agrees to comply with the applicable terms and conditions set forth in title 23, United States Code, Highways, the regulations issued pursuant thereto, the policies and procedures promulgated by the FHWA relative to the designated project in which the FHWA authorized certain work to proceed, and all other applicable Federal laws and regulations.

(b) Federal funds obligated for the project must not exceed the amount agreed to on the project agreement, the balance of the estimated total cost being an obligation of the State. Such obligation of Federal funds extends only to project costs incurred by the State after the FHWA authorization to proceed with the project involving such costs.

(c) The State must stipulate that as a condition to payment of the Federal funds obligated, it accepts and will comply with the following applicable provisions:

(1) *Project for acquisition of rights-of-way.* In the event that actual construction of a road on this right-of-way is not undertaken by the close of the twentieth fiscal year following the fiscal year in which the project is authorized, the SHA will repay to the FHWA the sum or sums of Federal funds paid to the highway agency under the terms of the agreement.

(2) *Preliminary engineering project.* In the event that right-of-way acquisition for, or actual construction of, the road for which this preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the project is authorized, the SHA will repay to the FHWA the sum or sums of Federal funds paid to the highway agency under the terms of the agreement.

(3) *Drug-free workplace certification.* By signing the project agreement, the SHA agrees to provide a drug-free workplace as required by 49 CFR part 29, subpart F. In signing the project agreement, the State is providing the certification required in appendix C to 49 CFR part 29, unless the State provides an annual certification.

(4) *Suspension and debarment certification.* By signing the project agreement, the SHA agrees to fulfill the responsibility imposed by 49 CFR 29.510 regarding debarment, suspension, and other responsibility matters. In signing the project agreement, the State is providing the certification for its principals required in appendix A to 49 CFR part 29.

(5) *Lobbying certification.* By signing the project agreement, the SHA agrees to abide by the lobbying restrictions set forth in 49 CFR part 20. In signing the project agreement, the State is providing the certification required in appendix A to 49 CFR part 20.

PART 635—CONSTRUCTION AND MAINTENANCE [AMENDED]

5. Subpart A of part 635 is amended by revising § 635.102 to read as follows:

§ 635.102 Definitions.

As used in this subpart:

Administrator means the Federal Highway Administrator.

Calendar day means each day shown on the calendar but, if another definition is set forth in the State contract specifications, that definition will apply.

Certification acceptance means the alternative procedure which may be used for administering certain highway projects involving Federal funds pursuant to 23 U.S.C. 117.

Contract time means the number of workdays or calendar days specified in a contract for completion of the contract work. The term includes authorized time extensions.

Division Administrator means the chief FHWA official assigned to conduct business in a particular State. A State is as defined in 23 U.S.C. 101.

Force account means a basis of payment for the direct performance of highway construction work with payment based on the actual cost of labor, equipment, and materials furnished and consideration for overhead and profit.

Formal approval means approval in writing or the electronic transmission of such approval.

Incentive/disincentive for early completion as used in this subpart, describes a contract provision which compensates the contractor a certain amount of money for each day identified critical work is completed ahead of schedule and assesses a deduction for each day the contractor overruns the incentive/disincentive time. Its use is primarily intended for those critical projects where traffic inconvenience and delays are to be held

to a minimum. The amounts are based upon estimates of such items as traffic safety, traffic maintenance, and road user delay costs.

Liquidated damages means the daily amount set forth in the contract to be deducted from the contract price to cover additional costs incurred by a State highway agency because of the contractor's failure to complete the contract work within the number of calendar days or workdays specified. The term may also mean the total of all daily amounts deducted under the terms of a particular contract.

Local public agency means any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State highway agency in highway matters.

Major change or major extra work means a change which will significantly affect the cost of the project to the Federal Government or alter the termini, character or scope of the work.

Materially unbalanced bid means a bid which generates a reasonable doubt that award to the bidder submitting a mathematically unbalanced bid will result in the lowest ultimate cost to the Federal Government.

Mathematically unbalanced bid means a bid containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs.

Public agency means any organization with administrative or functional responsibilities which are directly or indirectly affiliated with a governmental body of any nation, State, or local jurisdiction.

Publicly owned equipment means equipment previously purchased or otherwise acquired by the public agency involved primarily for use in its own operations.

Specialty items means work items identified in the contract which are not normally associated with highway construction and require highly specialized knowledge, abilities or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract; in general, these items are to be limited to minor components of the overall contract.

State highway agency (SHA) means that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction. The term "State" should be considered equivalent to "State highway agency" if the context so implies.

Workday means a calendar day during which construction operations could proceed for a major part of a shift, normally excluding Saturdays, Sundays, and State-recognized legal holidays.

§ 635.103 [Amended]

6. Section 635.103 is amended by removing the words "or secondary road plan".

7. In § 635.124, paragraph (b) is amended by revising the last sentence to read as follows:

§ 635.124 Participation in contract claim awards and settlements.

* * * * *

(b) * * *. Claims arising on projects handled on Certification Acceptance projects or on exempt non-NHS projects should be processed in accordance with the State's approved Certification Acceptance Plan or Stewardship Plan, as appropriate.

* * * * *

8. In § 635.126, the introductory text of paragraph (b) is revised to read as follows:

§ 635.126 Record of materials, supplies, and labor.

* * * * *

(b) On all Federal-aid construction contracts of \$1 million or more for projects on the National Highway System, the SHA shall require the contractor:

* * * * *

PART 771—ENVIRONMENTAL IMPACT AND RELATED PROCEDURES

9. The authority citation for part 771 is revised to read as follows and all other authority citations which appear throughout part 771 are removed:

Authority: 42 U.S.C. 4321 *et seq.*; 23 U.S.C. 109, 110, 128, 138 and 315; 49 U.S.C. 303(c), 5301(e), 5323, and 5324; 40 CFR part 1500 *et seq.*; 49 CFR 1.48(b) and 1.51.

10. Section 771.109 is amended by adding paragraph (d) to read as follows:

§ 771.109 Applicability and responsibilities.

* * * * *

(d) When entering into Federal-aid project agreements pursuant to 23 U.S.C. 110, it shall be the responsibility of the State highway agency to ensure that the project is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless the State requests and receives written Federal Highway Administration

approval to modify or delete such mitigation features.
 [FR Doc. 97-3746 Filed 2-13-97; 8:45 am]
 BILLING CODE 4910-22-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 8692]

RIN 1545-AR76

Reissuance of Mortgage Credit Certificates; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to the final and temporary regulations.

SUMMARY: This document contains a correction to the final and temporary regulations (TD 8692) which were published in the Federal Register on Tuesday, December 17, 1996 (61 FR 66212). The final and temporary regulations relates to the reissuance of mortgage credit certificates.

EFFECTIVE DATE: December 17, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Wachtel, (202) 622-3980 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final and temporary regulations that is subject to this correction is under section 25 of the Internal Revenue Code.

Need for Correction

As published, the final and temporary regulations (TD 8692) contains an error which may prove to be misleading and is in need of clarification.

Correction of Publication

Accordingly, the publication of the final and temporary regulations (TD 8692) which is the subject of FR Doc. 96-31772 is corrected as follows:

On page 66212, column 3, in the heading, the RIN "RIN 1545-AR57" is corrected to read "RIN 1545-AR76".

Cynthia E. Grigsby,
Chief, Regulations Unit Assistant Chief Counsel (Corporate).
 [FR Doc. 97-3653 Filed 2-13-97; 8:45 am]
 BILLING CODE 4830-01-U

26 CFR Parts 1 and 602

[TD 8690]

RIN 1545-AS95

Deductibility, Substantiation, and Disclosure of Certain Charitable Contributions; Correction

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to final regulations [TD 8690] which were published in the Federal Register for Monday, December 16, 1996 (61 FR 65946). The final regulations provide guidance regarding the allowance of certain charitable contribution deductions, the substantiation requirements for charitable contributions of \$250 or more, and the disclosure requirements for quid pro quo contributing in excess of \$75.

EFFECTIVE DATE: December 16, 1996.

FOR FURTHER INFORMATION CONTACT: Jefferson K. Fox of the Office of Assistant Chief Counsel (Income Tax and Accounting) (202) 622-4930 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The final regulations that are the subject of these corrections are under section 170 of the Internal Revenue Code.

Need for Correction

As published final regulations [TD 8690] contain errors that are misleading and in need of clarification.

Correction of Publication

Accordingly, the publication of final regulations [TD 8690] which are the subject of FR Doc. 96-31719 is corrected as follows:

1. On page 65946, column three, in the heading the RIN "1545-AS94" is corrected to read "1545-AS95".

2. On page 65946, column three, in the preamble following the paragraph heading "Paperwork Reduction Act", third paragraph, line 5, the language "average of six minutes." is corrected to read "average of six minutes. The estimated annual burden per respondent is two and a half hours."

3. On page 65946, column three, in the preamble following the paragraph heading "Paperwork Reduction Act", fourth paragraph, line 5, the language "Reports Clearance Officer, PC:FP," is

corrected to read "Reports Clearance Officer, T:FP,".

Cynthia E. Grigsby,
Chief, Regulations Unit Assistant Chief Counsel (Corporate).

[FR Doc. 97-3654 Filed 2-13-97; 8:45 am]

BILLING CODE 4830-01-U

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 4044

Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulation on Allocation of Assets in Single-Employer Plans prescribes interest assumptions for valuing benefits under terminating single-employer plans. This final rule amends the regulation to adopt interest assumptions for plans with valuation dates in March 1997.

EFFECTIVE DATE: March 1, 1997.

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

SUPPLEMENTARY INFORMATION: The PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044) prescribes actuarial assumptions for valuing plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974.

Among the actuarial assumptions prescribed in part 4044 are interest assumptions. These interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Two sets of interest assumptions are prescribed, one set for the valuation of benefits to be paid as annuities and one set for the valuation of benefits to be paid as lump sums. This amendment adds to appendix B to part 4044 the annuity and lump sum interest assumptions for valuing benefits in plans with valuation dates during March 1997.

For annuity benefits, the interest assumptions will be 6.20 percent for the first 25 years following the valuation date and 5.00 percent thereafter. For benefits to be paid as lump sums, the

interest assumptions to be used by the PBGC will be 5.00 percent for the period during which a benefit is in pay status, 4.25 percent during the seven-year period directly preceding the benefit's placement in pay status, and 4.00 percent during any other years preceding the benefit's placement in pay status. The above annuity interest assumptions represent an increase (from those in effect for February 1997) of 0.30 percent for the first 25 years following the valuation date and are otherwise unchanged. The lump sum interest assumptions represent an increase (from those in effect for February 1997) of 0.25 percent for the period during which a benefit is in pay status and for the seven years directly preceding that period; they are otherwise unchanged.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the

public interest. This finding is based on the need to determine and issue new interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans with valuation dates during March 1997, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

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

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

List of Subjects in 29 CFR Part 4044

Pension insurance, Pensions.

In consideration of the foregoing, 29 CFR part 4044 is amended as follows:

PART 4044—[AMENDED]

1. The authority citation for part 4044 continues to read as follows:

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

2. In appendix B, a new entry is added to Table I, and Rate Set 41 is added to Table II, as set forth below. The introductory text of each table is republished for the convenience of the reader and remains unchanged.

Appendix B to Part 4044—Interest Rates Used to Value Annuities and Lump Sums

TABLE I.—ANNUITY VALUATIONS

[This table sets forth, for each indicated calendar month, the interest rates (denoted by i_1, i_2, \dots , and referred to generally as i_t) assumed to be in effect between specified anniversaries of a valuation date that occurs within that calendar month; those anniversaries are specified in the columns adjacent to the rates. The last listed rate is assumed to be in effect after the last listed anniversary date.]

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*	*	*	*	*	*
March 1997 .....	.0620	1-25	.0500	>25	N/A	N/A

TABLE II.—LUMP SUM VALUATIONS

[In using this table: (1) For benefits for which the participant or beneficiary is entitled to be in pay status on the valuation date, the immediate annuity rate shall apply; (2) For benefits for which the deferral period is y years (where y is an integer and $0 < y \leq n_1$), interest rate i_1 shall apply from the valuation date for a period of y years, and thereafter the immediate annuity rate shall apply; (3) For benefits for which the deferral period is y years (where y is an integer and $n_1 < y \leq n_1 + n_2$), interest rate i_2 shall apply from the valuation date for a period of $y - n_1$ years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply; (4) For benefits for which the deferral period is y years (where y is an integer and $y > n_1 + n_2$), interest rate i_3 shall apply from the valuation date for a period of $y - n_1 - n_2$ years, interest rate i_2 shall apply for the following n_2 years, interest rate i_1 shall apply for the following n_1 years, and thereafter the immediate annuity rate shall apply]

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	on or after	Before		i_1	i_2	i_3	n_1	n_2
* 41	* 03-1-97	04-1-97	* 5.00	* 4.25	* 4.00	* 4.00	* 7	* 8

Issued in Washington, D.C., on this 6th day of February 1997.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97-3681 Filed 2-13-97; 8:45 am]

BILLING CODE 7708-01-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD09-94-029]

RIN 2115-AE47

Drawbridge Operation Regulations; Sturgeon Bay, WI

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: The Coast Guard is revising the operating regulations for Michigan Street highway bridge, mile 4.3 over Sturgeon Bay Ship Canal in Sturgeon Bay, WI, to reduce the number of required openings for recreational vessels. Commercial vessel traffic will not be affected by this action. The Wisconsin Department of Transportation has requested this change to minimize stress on the operating machinery at the bridge until a replacement bridge is constructed.

DATES: This interim rule is effective on March 17, 1997. Comments must be received on or before April 15, 1997.

ADDRESSES: Documents concerning this regulation are available for inspection and copying and comments may be sent to Commander (obr), 1240 E. Ninth Street, Room 2019B, Cleveland, OH 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except holidays. The telephone number is (216) 522-3993.

FOR FURTHER INFORMATION CONTACT:

Mr. Scot Striffler, Project Manager, Bridge Branch at (216) 522-3993.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name, address, identify this rulemaking (CGD09-94-029) and the specific section of this rule to which each comment applies, and give the reason for each comment. Please submit two copies of all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped self-addressed post card or envelope. Persons may submit comments by writing to Commander (obr), Ninth Coast Guard District, listed under **ADDRESSES**.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to Mr. Scot Striffler at the address under **ADDRESSES**. The request should include reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the Federal Register.

Regulatory Information

This rule is being published as an interim rule and is being made effective March 17, 1997. Under the provisions of 5 U.S.C. 553(b), this rule is being promulgated without issuing a Notice of Proposed Rulemaking. An interim final rule, effective September 8, 1994, was issued to reduce the required openings of the bridge for certain vessels because of stress fractures found in the operating machinery. The owners have requested further restrictions on opening requirements to extend the life of the bridge.

Background and Purpose

The Wisconsin Department of Transportation (WDOT) has requested the Coast Guard revise the operating requirements for the Michigan Street bridge, mile 4.3 over Sturgeon Bay Ship Canal, for recreational vessels. This action was requested to limit the number of openings to reduce stress on the machinery gear that raises and lowers the bridge. Construction of a replacement bascule bridge is scheduled to commence in the year 2002. The limited bridge openings are necessary to help extend the life of the existing span and avoid potential serious interruptions to commercial and recreational vessel traffic until a replacement bridge is built. In June of 1994, WDOT requested a limitation on the hours that the bridge be required to open on signal for recreational traffic. The Coast Guard issued an interim final rule that was published on September 8, 1994 in the Federal Register. This action helped reduce openings without adversely impacting recreational traffic. No comments were received from the public concerning this rule. On July 11, 1996, WDOT requested that the bridge be opened only on the hour, 24 hours a day, 7 days a week, for recreational vessels between March 15 and December 31. WDOT has stated that, according to bridge logs, approximately 100 openings could have been eliminated in 1995 if the bridge operated on the schedule requested.

The Coast Guard authorized WDOT a temporary deviation to the current regulations during the summer of 1996 for a trial period to test the effectiveness of this change. The Coast Guard did not receive any comments and WDOT reported no adverse comments or feedback from recreational craft in the area during the trial period.

The bridge shall continue to open on signal for the passage of public vessels of the United States, state or local vessels used for public safety, commercial vessels, vessels in distress, and vessels seeking shelter from severe weather.

Discussion of Interim Rule

Currently, from March 15 to December 31, the bridge is required to open on the hour for recreational vessels between 8 a.m. and 6 p.m. Between 6 p.m. and 10 p.m., the draw need open for recreational vessels only on the hour and half-hour. The bridge opens on signal from 10 p.m. to 8 a.m. This rule will require the bridge to open for recreational vessels only on the hour, 24 hours a day, between March 15 and December 31. There is no change to the

requirement for vessels to provide a 12-hour advance notice for requests to open the draw between January 1 and March 14.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has not been reviewed by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Commercial vessel traffic will not be impacted by this action. Furthermore, the failure to modify the operating schedule of the bridge could potentially result in a long-term breakdown that would close the waterway and seriously impact the economy of the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider the economic impact on small entities of a rule for which a general notice of proposed rulemaking is required. "Small entities" may include (1) small businesses and not-for-profit organizations that are independently owned and operated and are not dominant in their fields and (2) governmental jurisdictions with populations of less than 50,000.

This rule, while limiting openings to every hour for recreational vessels, will not interfere with commercial use of the waterway. Therefore, no adverse economic impact is anticipated on a substantial number of small entities.

If, however, you think that your business or organization qualifies as a small entity and this rule will have a significant impact on your business or organization, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and in what way and to what degree this rule will economically affect it.

Collection of Information

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

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and

has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, (as revised by 59 FR 38654, July 29, 1994), this rule is categorically excluded from further environmental documentation. This action is not expected to result in any significant cumulative impacts on the human environment or create substantial controversy or substantial change to existing environmental conditions. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 117

Bridges.

For reasons set out in the preamble, 33 CFR part 117 is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section § 117.1101 (a)(1) is revised to read as follows:

§ 117.1101 Sturgeon Bay.

* * * * *

(a) From March 15 through December 31—

(1) The draw need open on signal for recreational vessels only on the hour, 24 hours a day. However, if more than 20 vessels have accumulated at the bridge, the draw shall open as soon as possible.

* * * * *

Dated: February 10, 1997.

G.F. Woolever,

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

[FR Doc. 97-3756 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 330, Appendix A

Nationwide Permits and Conditions

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Corps is removing Appendix A to 33 CFR Part 330. Appendix A contains a listing of the nationwide permits and conditions issued on November 21, 1991, which expired on January 21, 1997. On December 13, 1996, the Corps published a Notice in the Federal Register (61 FR 65874-65922) of the issuance, reissuance and modification of the nationwide permits and conditions, effective February 11, 1997. The removal of Appendix A is merely a "housekeeping" measure which removes obsolete materials from the Federal Register and does not affect the nationwide permits issued, reissued or modified or the conditions in the Notice issued on December 13, 1996.

EFFECTIVE DATE: January 22, 1997.

ADDRESSES: HQUSACE, CECW-OR, Washington, D.C. 20314-1000.

FOR FURTHER INFORMATION CONTACT:

Mr. Sam Collinson, Regulatory Branch, CECW-OR at (202) 761-0199, or Mr. Tim Zimmerman, CECW-OR at (202) 761-0571.

SUPPLEMENTARY INFORMATION:

On November 22, 1991, the Corps published a final rule in the Federal Register amending the nationwide permit program regulations in 33 CFR Part 330. In that final rule, we stated that upon expiration of the existing nationwide permits, we would issue the permits separately from the regulations governing their use and rescind Appendix A of 33 CFR Part 330. Consequently, the nationwide permits will no longer appear in the Code of Federal Regulations (CFR), but will be published in the Notice section of the Federal Register and announced, with regional conditions, in public notices issued by Corps district offices and included on the Internet. The nationwide permits have now been published in the Federal Register on December 13, 1996, using the procedures adopted on November 22, 1991, for issuance, reissuance, modification, and revocation of nationwide permits. The previous nationwide permits published at 33 CFR Part 330, Appendix A, expired on January 21, 1997, and are no longer in effect. Therefore, we are removing Appendix A from the CFR. This action does not affect any projects that qualified for the grandfather provisions under 33 CFR 330.6(b).

Procedural Requirements

A. Review Under Executive Order 12866

The Corps had determined that this document does not contain major rule

requiring a Regulatory impact analysis because it will not result in an annual effect on the economy of \$100 million or more and it will not result in a major increase in costs or services.

B. Review Under the Regulatory Flexibility Act

These rules have been reviewed under the Regulatory Flexibility Act (Pub. L. 96-354), which requires that preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small Governments). The Corps expects that the economic impact of the removal of the expired nationwide permits published on November 22, 1991, from the CFR would have no impact on the public, and accordingly, certifies that this proposal will have no significant economic impact on small entities.

C. Review Under the National Environmental Policy Act

We have concluded, based on the minor nature of this editorial change that this removal of the expired nationwide permits from the CFR at the time of their expiration date will not have significant impact to the human environment, and preparation of an environmental impact statement is not required.

D. Unfunded Mandates Act

This rule does not impose an enforceable duty among the private sector and, therefore, is not a Federal private sector mandate and is not subject to the requirements of Section 202 or 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Unfunded Mandates Act, that small Governments will not be significantly and uniquely affected by this action.

E. Submission to Congress and the General Accounting Office

Pursuant to Section 801(a)(1)(A) of the Administrative Procedure Act as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, the Army has submitted a report containing this rule to the U.S. Senate, House of Representatives, and the Comptroller General of the General Accounting Office, prior to the effective date of this rule in the Federal Register. This rule is not a major rule within the meaning of Section 804(2) of the Administrative Procedure Act, as amended.

List of Subjects in 33 CFR Part 330

Administrative practice and procedure, Intergovernmental relations, Navigation (water), Water pollution control, and Waterways.

For the reasons set out in the preamble, we are hereby amending 33 CFR Part 330, as follows:

PART 330—NATIONWIDE PERMIT PROGRAM

1. The authority citation for Part 330 continues to read as follows:

Authority: 33 U.S.C. 401 et seq.; 33 U.S.C. 1344; and 33 U.S.C. 1413.

Appendix A to Part 330—[Removed]

2. Part 330 is amended by removing Appendix A.

Dated: February 4, 1997.

Russell L. Fuhrman,
Major General, USA, Director of Civil Works.
[FR Doc. 97-3710 Filed 2-13-97; 8:45 am]
BILLING CODE 3710-92-M

GENERAL SERVICES ADMINISTRATION**41 CFR Parts 301-7, 301-8, and 301-11**

[FTR Amendment 54]

RIN 3090-AF98

Federal Travel Regulation; Computation of Per Diem Allowance for a Partial Day of Travel; Use of Locality-Based Per Diem Rate for Househunting Trips; Correction

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Correction.

SUMMARY: This document contains corrections to rule document 96-32712 published in the issue of Friday, December 27, 1996 (61 FR 68158).

EFFECTIVE DATE: December 27, 1996.

FOR FURTHER INFORMATION CONTACT: Sharon Green, (202) 501-0299.

SUPPLEMENTARY INFORMATION: Beginning on page 68159, make the following corrections:

PART 301-7—PER DIEM ALLOWANCES

1. On page 68159, in the second column, instruction 4 is corrected to read as follows:

“4. Section 301-7.2 is amended by revising paragraph (a)(2), by removing paragraph (a)(3), and by redesignating paragraph (a)(4) as (a)(3) to read as follows:”

2. On page 68159, in the second column, in § 301-7.2(a)(2), remove “times and/or” from the heading.

3. On page 68159, in the third column, in § 301-7.2, remove paragraph (a)(3).

PART 301-8—REIMBURSEMENT OF ACTUAL SUBSISTENCE EXPENSES

4. On page 68160, in the third column, in instruction 11, the authority citation for part 301-8 should read “5 U.S.C. 5707”.

PART 301-11—CLAIMS FOR REIMBURSEMENT

5. On page 68161, in the first column, in instruction 13, the authority citation for part 301-11, should read “5 U.S.C. 5707”.

Sharon S. Green,

Director, Travel and Transportation Management Policy Division.

[FR Doc. 97-3635 Filed 2-13-97; 8:45 am]

BILLING CODE 6820-34-M

FEDERAL EMERGENCY MANAGEMENT AGENCY**44 CFR Part 65**

[Docket No. FEMA-7201]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Executive Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of

the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster

Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under

Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Florida: Pinellas	Unincorporated Areas	November 15, 1996, November 22, 1996, <i>St. Petersburg Times</i> .	Mr. Fred E. Marquis, Pinellas County Administrator, 315 Court Street, Clearwater, Florida 34616.	November 6, 1996	125139 D
Florida: Pinellas	Town of Belleair	November 25, 1996, December 2, 1996, <i>St. Petersburg Times</i> .	The Honorable Stephen G. Watts, Mayor of the Town of Belleair, 901 Ponce De Leon Boulevard, Belleair, Florida 34616-1096.	November 18, 1996	125088 B
Illinois: Cook and Lake	Village of Buffalo Grove.	October 24, 1996, October 31, 1996, <i>Daily Herald</i> .	Mr. Sidney Mathias, Village President, 50 Raupp Boulevard, Municipal Building, Buffalo Grove, Illinois 60089.	October 16, 1996	170068 D
Illinois: Tazewell	Village of Morton	December 11, 1996, December 18, 1996, <i>Tazewell News</i> .	Dr. Robert D. Hertenstein, President of the Village of Morton, P.O. Box 28, 120 North Main Street, Morton, Illinois 61550.	December 4, 1996	170652 D
Indiana: Allen	Unincorporated Areas	November 26, 1996, December 3, 1996, <i>The Journal Gazette</i> .	Mr. Ed Rousseau, Allen County Commissioner, 1 East Main Street, Fort Wayne, Indiana 46802.	November 21, 1996	180302 D
Maryland: Frederick	Unincorporated Areas	September 30, 1996, October 7, 1996, <i>Frederick Post</i> .	Mr. Mark Hoke, President of the Frederick County Board of Commissioners, 12 East Church Street, Frederick, Maryland 21701.	January 5, 1997	240027 A
Minnesota: Anoka	City of Centerville	October 8, 1996, October 15, 1996, <i>Quad Community Press</i> .	The Honorable Thomas Wilharber, Mayor of the City of Centerville, 1880 Main Street, Centerville, Minnesota 55038.	January 13, 1997	270008
Mississippi: DeSoto County.	City of Olive Branch	October 16, 1996, October 23, 1996, <i>DeSoto County Tribune</i> .	The Honorable D. M. Nichols, Mayor of the City of Olive Branch, 9189 East Pigeon Roost Avenue, Olive Branch, Mississippi 38654.	October 8, 1996	280286 D

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
North Carolina: Edgecombe and Nash.	City of Rocky Mount ...	December 16, 1996, December 23, 1996, <i>Rocky Mount Evening and Sunday Telegram</i> .	Mr. Stephen W. Raper, Rocky Mount City Manager, P.O. Box 1180, Rocky Mount, North Carolina 27802-1180.	December 9, 1996	370092 C
North Carolina: Wake County.	Unincorporated Areas	December 11, 1996, December 18, 1996, <i>The News and Observer</i> .	Mr. Richard Y. Stevens, Wake County Manager, 336 Fayetteville Street, P.O. Box 550, Raleigh, North Carolina 27602.	December 4, 1996	370368 E
North Carolina: Wilkes	North Wilkesboro	November 25, 1996, December 2, 1996, <i>Journal Patriot</i> .	Mr. James H. Bentley, Town Manager, P.O. Box 218, North Wilkesboro, North Carolina 28659.	November 20, 1996	370257 B
Ohio: Franklin	City of Dublin	November 14, 1996, November 21, 1996, <i>Columbus Dispatch</i> .	Mr. Tim Hansley, City of Dublin Manager, 6665 Kaufman Road, Dublin, Ohio 43017.	November 7, 1996	390673 G
South Carolina: Greenville County.	Unincorporated Areas	December 9, 1996, December 16, 1996, <i>The Greenville News</i> .	Mr. Gerald Seals, Greenville County Administrator, 301 University Ridge, Suite 100, Greenville, South Carolina 29601.	December 2, 1996	450089 B
South Carolina: Lancaster.	City of Lancaster	September 27, 1996, October 4, 1996, <i>The Lancaster News</i> .	The Honorable Robert Mobley, Mayor of the City of Lancaster, P.O. Box 1149, Lancaster, South Carolina 29721.	September 5, 1996	450121 B
Tennessee: Shelby	City of Germantown	November 21, 1996, November 28, 1996, <i>The Commercial Appeal</i> .	The Honorable Sharon Goldsworthy, Mayor of the City of Germantown, 1930 South Germantown Road, P.O. Box 38809, Germantown, Tennessee 38183-0809.	February 26, 1997	470353 E
Virginia: Loudoun	Town of Leesburg	November 13, 1996, November 20, 1996, <i>Loudoun Times-Mirror</i> .	The Honorable James E. Clem, Mayor of the Town of Leesburg, P.O. Box 88, Leesburg, Virginia 20178.	February 18, 1997	510091
Virginia: Stafford	Unincorporated Areas	July 23, 1996, July 30, 1996, <i>Free Lance-Star</i> .	Mr. C. M. Williams, Jr., Stafford County Administrator, 1300 Courthouse Road, P.O. Box 339, Stafford, Virginia 22555-0339.	October 28, 1996	510154 D

(Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance")
 Dated: January 31, 1997.
 Richard W. Krimm,
Executive Associate Director, Mitigation Directorate.
 [FR Doc. 97-3782 Filed 2-13-97; 8:45 am]
BILLING CODE 6718-03-P

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief,

Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Executive Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood

Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements. Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Alabama: Lauderdale (FEMA Docket No. 7186).	City of Florence.	May 24, 1996 May 31, 1996, <i>Times Daily</i> .	The Honorable Eddie Frost, Mayor of the City of Florence, 110 West College Street, Florence, Alabama 35630.	August 29, 1996	010140 C
Connecticut: Fairfield (FEMA) Docket No. 7191).	City of Bridgeport.	June 14, 1996, June 21, 1996, <i>Connecticut Post</i> .	The Honorable Joseph P. Ganim, Mayor of the City of Bridgeport, 45 Lyon Terrace, Bridgeport, Connecticut 06604.	September 19, 1996	090002 C
Connecticut: Fairfield (FEMA Docket No. 7191).	Town of Stratford.	June 14, 1996, June 21, 1996, <i>Connecticut Post</i> .	Mr. Mark S. Barnhart, Stratford Town Manager, 2725 Main Street, Stratford, Connecticut 06497.	September 19, 1996	090016
Illinois: Cook (FEMA Docket No 7191).	City of Country Club Hills.	June 13, 1996, June 20, 1996, <i>The Star</i> .	The Honorable Dwight W. Welch, Mayor of the City of Country Club Hills, 4200 West 183rd Street, Country Club Hills, Illinois 60478.	June 6, 1996	170078 C
Illinois: Kane (FEMA Docket No. 7186).	Village of Hampshire.	June 5, 1996, June 12, 1996, <i>Hampshire Register</i> .	Mr. William Schmidt, President of the Village of Hampshire, 234 South State Street, P.O. Box 457 Hampshire, Illinois 60140.	June 5, 1996	170327 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Illinois: Tazewell (FEMA Docket No. 7186).	Village of Morton.	June 5, 1996, June 12, 1996, <i>Tazewell News</i> .	Dr. Robert D. Hertenstein, President of the Village of Morton, P.O. Box 28, 120 North Main Street, Morton, Illinois 61550.	May 28, 1996	170652 D
Illinois: Will and DuPage Counties (FEMA Docket No. 7191).	City of Naperville.	December 13, 1995, December 20, 1995, <i>The Naperville Sun</i> .	The Honorable A. George Pradel, Mayor of the City of Naperville, 400 South Eagle Street, Naperville, Illinois 60540.	December 5, 1995	170213 C
Indiana: Allen (FEMA Docket No. 7191).	Unincorporated Areas.	June 10, 1996, June 17, 1996, <i>The Journal Gazette</i> .	Mr. Jack McComb, Allen County Commissioner, 1 East Main Street, Fort Wayne, Indiana 46802.	June 4, 1996	180302 D
Indiana: Porter (FEMA Docket No. 7186).	Town of Porter.	May 28, 1996, June 4, 1996, <i>Chesterton Tribune</i> .	Ms. Charlene Hauber, Porter Town Clerk/Treasurer, 303 Franklin Street, Porter, Indiana 46304.	May 21, 1996	180208 B
Maryland: Queen Annes (FEMA Docket No. 7148).	Unincorporated Areas.	June 28, 1995, July 5, 1995, <i>The Star-Democrat</i> and <i>Bay Times</i> .	Mr. Mark Belton, President of the Queen Annes County Commissioners, 107 North Liberty Street, Centerville, Maryland 21617.	June 22, 1995	240054 C
Massachusetts: Barnstable (FEMA Docket No. 7186).	Town of Barnstable.	May 13, 1996, May 20, 1996, <i>Cape Cod Times</i> .	Mr. Warren J. Rutherford, Town of Barnstable Manager, Town Hall, 367 Main Street, Hyannis, Massachusetts 02601.	May 1, 1996	250001 D
Massachusetts: Barnstable (FEMA Docket No. 7186).	Town of Barnstable.	May 28, 1996, June 4, 1996, <i>Cape Cod Times</i> .	Mr. Warren J. Rutherford, Town of Barnstable Manager, Town Hall, 367 Main Street, Hyannis, Massachusetts 02601.	May 17, 1996	250001 D
Massachusetts: Plymouth (FEMA Docket No. 7173).	Town of Plymouth.	December 14, 1995, December 21, 1995, <i>The Old Colony Memorial</i> .	Ms. Eleanor Beth, Acting Manager of the Town of Plymouth, 11 Lincoln Street, Plymouth, Massachusetts 02360.	December 7, 1995	250278 C
Michigan: Wayne (FEMA Docket No. 7186).	Township of Canton.	May 30, 1996, June 6, 1996, <i>Canton Observer</i> .	Mr. Thomas Yack, Canton Township Supervisor, 1150 South Canton Center Road, Canton, Michigan 48188.	May 21, 1996	260219 B
Minnesota: Washington (FEMA Docket No. 7191).	Unincorporated Areas.	July 17, 1996, July 24, 1996, <i>Oakdale-Lake Elmo Review</i> .	Mr. Dave Engstrom, Chairman of the Washington County Board of Commissioners, 14900 61st Street North, Stillwater, Minnesota 55082.	October 22, 1996	270499 B
North Carolina: Orange, Durham, and Chatham (FEMA Docket No. 7191).	Town of Chapel Hill.	July 2, 1996, July 9, 1996, <i>The Chapel Hill Herald</i> .	The Honorable Rosemary Waldorf, Mayor of the Town of Chapel Hill, 306 North Columbia Street, Chapel Hill, North Carolina 27516-2124.	June 25, 1996	370180 E
North Carolina: Rowan (FEMA Docket No. 7183).	City of Salisbury.	April 11, 1996, April 18, 1996, <i>Salisbury Post</i> .	The Honorable Margaret Klutz, Mayor of the City of Salisbury, P.O. Box 479, Salisbury, North Carolina 28145-0479.	July 17, 1996	370215 B
Ohio: Montgomery (FEMA Docket No. 7186).	Unincorporated Areas.	May 29, 1996, June 5, 1996, <i>Dayton Daily News</i> .	Ms. Vicki Pegg, Montgomery County Commissioner, 451 West Third Street, Dayton, Ohio 45422-1260.	May 24, 1996	390775 C
Pennsylvania: Centre (FEMA Docket No. 7158).	Township of Spring.	September 15, 1995, September 22, 1995, <i>Centre Daily Times</i> .	The Honorable John H. Auman, Chairman of the Township of Spring Board of Supervisors, 1309 Blanchard Street, Bellefonte, Pennsylvania 16823-8625.	August 24, 1995	420269 C

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community number
Puerto Rico: (FEMA Docket No. 7191).	Commonwealth.	August 7, 1996, August 14, 1996, <i>El Nuevo Dia</i> .	Ms. Norma N. Burjos-Andujar, Chairperson of the Puerto Rico Planning Board, Minillas Station, P.O. Box 41119, Santurce, Puerto Rico 00940-9985.	July 18, 1996	720000 E
Virginia: Roanoke (FEMA Docket No. 7169).	Unincorporated Areas.	November 16, 1995, November 23, 1995, <i>Roanoke Times & World News</i> .	Mr. Elmer Hodge, Roanoke County Administrator, P.O. Box 29800, Roanoke, Virginia 24018.	November 3, 1995	510190 D
Wisconsin: Juneau (FEMA Docket No. 7173).	Village of Wonewoc.	June 8, 1995, June 15, 1995, <i>The Wonewoc Reporter</i> .	Mr. John P. Cler, Village of Wonewoc President, P.O. Box 37, Wonewoc, Wisconsin 53968-0037.	May 25, 1995	550208 C

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

Dated: January 31, 1997.

Richard W. Krimm,
Executive Associate Director, Mitigation Directorate.

[FR Doc. 97-3781 Filed 2-13-97; 8:45 am]

BILLING CODE 6718-03-P

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the Federal Register.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because

final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ILLINOIS		KENTUCKY		Maps available for inspection at the Liberty City Hall, Court-house Square, Liberty, Kentucky.	
Huntley (village), Kane and McHenry Counties (FEMA Docket No. 7190)		Falmouth (city), Pendleton County (FEMA Docket No. 7190)		Owensboro (city), Daviess County (FEMA Docket No. 7105)	
<i>South Branch Kishwaukee River:</i>		<i>Licking River:</i>		<i>Ohio River:</i>	
At downstream corporate limits	*867	At confluence of South Fork		Approximately 1.4 miles up-	
Downstream side of footbridge	*873	Licking River/downstream		stream of confluence of	
<i>Kishwaukee Creek:</i>		corporate limits	*555	Cowhide Slough	*387
At South Union Road	*856	Approximately 100 feet up-	*555	Approximately 3 miles down-	
At State Route 47	*859	stream of upstream cor-		stream of confluence of Yel-	
		porate limits		low Creek	*390
Maps available for inspection at the Huntley Village Hall, 11704 Coral Street, Huntley, Illinois.		<i>South Fork Licking River:</i>		<i>Persimmon Ditch:</i>	
		At confluence with Licking	*555	Upstream side of Ewing Road	*399
		River		Downstream side of U.S.	
		At the upstream corporate lim-	*558	Route 60	*403
		its approximately 0.5 mile		<i>Persimmon Ditch Tributary:</i>	
		from U.S. Route 27		At confluence with Persimmon	
				Ditch	*403
		Maps available for inspection at the Falmouth City Hall, 212 Main Street, Falmouth, Kentucky.		Approximately 0.37 mile up-	
				stream of confluence with	
				Persimmon Ditch	*403
				<i>Big Ditch:</i>	
				Approximately 0.3 mile south	
				of intersection of South	
				Town Boulevard and Carter	
			*628	Road	*392
				At the intersection of Yates	
			*629	Drive and Bulfinch Avenue ..	*392
				<i>Scherm Ditch:</i>	
				Approximately 200 feet down-	
			*629	stream of Chippewa Drive ...	*397
				Just upstream of Mayfair Drive	
			*652		*399
				<i>Devins Ditch:</i>	
				Approximately 150 feet up-	
				stream of Conway Avenue ...	
				Approximately 0.1 mile down-	
				stream at Audubon Parkway	
				<i>Tamarack Ditch:</i>	
				Approximately 1,500 feet	
				downstream of Bertke Street	
				At Windsor Avenue	
				<i>Goetz Ditch:</i>	
			*794	Upstream side of South Town	
				Boulevard	
				Approximately 0.25 mile up-	
			*808	stream of Lewis Lane	*397
				<i>Harsh Ditch:</i>	
				Approximately 750 feet up-	
			*806	stream of Veach Road	*395
				At downstream side of 27th	
				Street	
			*846	<i>West Tributary to Harsh Ditch:</i>	*398
				Upstream side of Abandoned	
				Railroad	
			*794	Downstream side of Wild	
				Wood Drive	
			*821	<i>Horse Fork:</i>	*397
				Approximately 0.4 mile down-	
				stream of Veach Road	
			*794	Approximately 0.5 mile up-	
				stream of Old Hartford Road	
			*804	<i>Panther Creek:</i>	*404

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Approximately 0.9 mile upstream of Elmore Road	*306	Approximately 450 feet upstream of the confluence of Heizer Creek	*583
<i>Lateral D:</i> At confluence with Horn Lake Creek	*284	At the upstream county boundary	*601
Approximately 0.5 mile upstream of Church Road	*307	Maps available for inspection at the Office of Putnam County Planning and Infrastructure, Putnam County Courthouse, 3389 Winfield Road, Winfield, West Virginia. (Catalog of Federal Domestic Assistance No. 83.100, "Flood Insurance") Dated: January 31, 1997. Richard W. Krimm, <i>Executive Associate Director, Mitigation Directorate.</i> [FR Doc. 97-3779 Filed 2-13-97; 8:45 am] BILLING CODE 6718-04-P	
<i>Lateral E:</i> At confluence with Horn Lake Creek	*292		
At downstream side of Tchulahoma Road	*339		
<i>Southaven Creek:</i> Approximately 1,800 feet upstream of confluence with Horn Lake Creek	*255		
Approximately 0.2 mile downstream of Illinois Central Railroad	*255		
<i>Rocky Creek:</i> At confluence with Horn Lake Creek	*270		
Approximately 0.78 mile upstream of Swinnea Road	*328		
Maps available for inspection at the City of Southaven Planning Department, City Hall, 8625 Highway 51, Southaven, Mississippi.			
NEW YORK			
Weedsport (village), Cayuga County (FEMA Docket No. 7190) <i>Cold Spring Brook:</i> Approximately 500 feet upstream of Oakland Street	*394		
Approximately 70 feet downstream of CONRAIL	*392		
Maps available for inspection at the Weedsport Village Office, 8892 South Street, Weedsport, New York.			
PENNSYLVANIA			
Stroudsburg (Borough), Monroe County (FEMA Docket No. 7190) <i>McMichaels Creek:</i> At upstream corporate limits	*425		
Approximately 158 feet upstream of confluence of Brodhead Creek	*394		
Maps available for inspection at the Stroudsburg Borough Municipal Building, 700 Sarah Street, Stroudsburg, Pennsylvania.			
WEST VIRGINIA			
Putnam County (unincorporated Areas) (FEMA Docket No. 7190) <i>Pocatalico River:</i>			

Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:
 Authority: Secs. 303, 48 Stat., as amended, 1082;47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Alaska, is amended by removing Channel 232A and adding Channel 234C2 at Houston.

3. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 271C2 and adding Channel 271C1 at Basile.

4. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 250C3 and adding Channel 250C2 at Sikeston.

5. Section 73.202(b), the Table of FM Allotments under Oklahoma, is amended by removing Channel 293A and adding Channel 293C3 at Holdenville.

6. Section 73.202(b), the Table of FM Allotments under Tennessee, is amended by removing Channel 299A and adding Channel 299C3 at Henderson.

7. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 285A and adding Channel 285C3 at Uvalde.

8. Section 73.202(b), the Table of FM Allotments under Washington, is amended by removing Channel 247A and adding Channel 247C3 at Davenport, and by removing Channel 265C3 and adding Channel 265C2 at Grandview.

9. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Channel 292A and adding Channel 291C3 at Evanston.

Federal Communications Commission.
 John A. Karousos,
Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.
 [FR Doc. 97-3716 Filed 2-13-97; 8:45 am]
BILLING CODE 6712-01-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

Radio Broadcasting Services; Various Locations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, on its own motion, editorially amends the Table of FM Allotments to specify the actual classes of channels allotted to various communities. The changes in channel classifications have been authorized in response to applications filed by licensees and permittees operating on these channels. This action is taken pursuant to *Revision of Section 73.3573(a)(1) of the Commission's Rules Concerning the Lower Classification of an FM Allotment*, 4 FCC Rcd 2413 (1989), and the *Amendment of the Commission's Rules to permit FM Channel and Class Modifications [Upgrades] by Applications*, 8 FCC Rcd 4735 (1993).

EFFECTIVE DATE: February 14, 1997.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the

47 CFR Part 73**[MM Docket No. 96-229; RM-8919]****Radio Broadcasting Services;
Boonville, MO****AGENCY:** Federal Communications Commission.**ACTION:** Final rule.

SUMMARY: Action in this document allots Channel 226A to Boonville, Missouri, as that community's second FM broadcast service in response to a petition filed by Big Country of Missouri. See 61 FR 63811, December 2, 1996. The coordinates for Channel 226A at Boonville are 38-58-00 and 92-35-54. There is a site restriction 11.9 kilometers (7.4 miles) east of the community. With this action, this proceeding is terminated.

DATES: Effective March 24, 1997. The window period for filing applications

for Channel 226A at Boonville, Missouri, will open on March 24, 1997, and close on April 24, 1997.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 96-229, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by allotting Channel 226A to Boonville.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3721 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

Proposed Rules

Federal Register

Vol. 62, No. 31

Friday, February 14, 1997

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 ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 431

[Docket No. EE-RM-96-400]

Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Extension of public comment period on proposed motor efficiency regulations.

SUMMARY: On November 27, 1996 (61 FR 60440), the Department of Energy (DOE or Department) proposed regulations to implement the standards and test procedures for commercial and industrial electric motors established in the Energy Policy and Conservation Act, as amended (the Act or EPCA). In the same notice of proposed rulemaking, the Department also proposed to establish efficiency labeling requirements and compliance certification requirements for motors, as directed by the Act.

On January 15, 1997, DOE held a public hearing to receive oral comments on the proposed rule. The transcript from this hearing has been added to the docket for this rulemaking, and is now available for review in the Department of Energy, Freedom of Information Reading Room.

To ensure that the public has ample opportunity to fully review and comment on the proposed rulemaking and the information that was presented during the public hearing, today's notice extends the public comment period from February 17 through March 10, 1997.

DATES: The Department will accept written statements, comments, data, and information regarding the proposed rule for electric motors no later than March 10, 1997.

ADDRESSES: Written comments and written statements (10 copies) should be labeled "Electric Motor Rulemaking" (Docket No. EE-RM-96-400), and submitted to: U.S. Department of Energy, Office of Codes and Standards, EE-43, 1000 Independence Avenue, SW, Room 1J-018, Washington, DC 20585-0121. Telephone: (202) 586-7574.

DOCKET: Supporting information used in developing the proposed rule, a copy of the transcript of the public hearing, and other information received that is pertinent to the rule, are contained in Docket No. EE-RM-96-400. This Docket is available for inspection and copying at the Freedom of Information Reading Room, U.S. Department of Energy, Forrestal Building, Room 1E-190, 1000 Independence Avenue, SW, Washington, DC 20585-0101, telephone (202) 586-6020, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE-43, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-8654.

Issued in Washington, DC, on February 10, 1997.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 97-3741 Filed 2-13-97; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96-NM-168-AD]

RIN 2120-AA64

Airworthiness Directives; Jetstream Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Jetstream Model 4101 airplanes.

This proposal would require repetitive detailed visual inspections to detect cracks on frame 179 at the attachment bracket for the door restraint cable, and various follow-on actions. This proposal also would require installation of new doublers and stress pads on frame 179, which would terminate the repetitive inspections. This proposal is prompted by reports of cracks in frame 179 of the fuselage at the attachment bracket for the door restraint cable on in-service airplanes due to improper rigging of the door restraint system. The actions specified by the proposed AD are intended to prevent such cracking, which could result in structural failure of the fuselage and consequent rapid decompression of the pressurized section of the fuselage.

DATES: Comments must be received by March 27, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-168-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Jetstream Aircraft, Inc., P.O. Box 16029, Dulles International Airport, Washington, DC 20041-6029. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2148; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-168-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-168-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Jetstream Model 4101 airplanes. The CAA advises that it has received reports of cracks in frame 179 of the fuselage at the attachment bracket for the door restraint cable on these in-service airplanes. The existing design of the door restraint cable will not withstand continuous high loads that are induced by improper rigging of the door restraint system. Cracking in frame 179 of the fuselage, if not detected and corrected, could result in structural failure of the fuselage and consequent rapid decompression of the pressurized section of fuselage.

Explanation of Relevant Service Information

Jetstream has issued Alert Service Bulletin J41-A53-024, dated April 26, 1996, which describes procedures for performing repetitive detailed visual inspections to detect cracks on frame 179 at the attachment bracket for the door restraint cable, and various follow-on actions. (These follow-on actions include performing a test to verify proper adjustment of the restraint cable, and correcting any discrepancy.) For cases where no cracks are detected

during inspection, the alert service bulletin also describes procedures for installation of new doublers and stress pads on frame 179, which would eliminate the need for repetitive inspections. The CAA classified this alert service bulletin as mandatory and issued British airworthiness directive 004-04-96 in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive detailed visual inspections to detect cracks on frame 179 at the attachment bracket for the door restraint cable, and various follow-on actions. The proposed AD also would require installation of new doublers and stress pads on frame 179, which would constitute terminating action for the repetitive inspection requirements. The inspection, various follow-on actions, and installation would be required to be accomplished in accordance with the alert service bulletin described previously. If any crack is detected during any visual inspection, the repair would be required to be accomplished in accordance with a method approved by the FAA.

Cost Impact

The FAA estimates that 49 Jetstream Model 4101 airplanes of U.S. registry would be affected by this proposed AD.

The proposed inspection would take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$5,880, or \$120 per airplane, per inspection cycle.

The proposed installation would take approximately 8 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the installation proposed by this AD on U.S. operators is estimated to be \$23,520, or \$480 per airplane.

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

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Jetstream Aircraft Limited: Docket 96-NM-168-AD.

Applicability: Model 4101 airplanes, constructors numbers 41004 through 41086 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent cracking in frame 179 of the fuselage, which could result in structural failure of the fuselage and consequent rapid decompression of the pressurized section of the fuselage, accomplish the following:

(a) Prior to the accumulation of 3,000 total flight cycles, or within 300 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection to detect cracks on frame 179 at the attachment bracket for the door restraint cable, in accordance with Part 1 of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A53-024, dated April 26, 1996.

(1) If no crack is detected, repeat the visual inspection thereafter at intervals not to exceed 1,000 flight cycles. After each inspection, perform the actions specified in paragraph (c) of this AD.

(2) If any crack is detected, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. After repair, perform the actions specified in paragraph (c) of this AD.

(b) Within 24 months after the effective date of this AD, perform the visual inspection specified in paragraph (a) of this AD in accordance with Part 2 of the Accomplishment Instructions of Jetstream Alert Service Bulletin J41-A53-024, dated April 26, 1996; and accomplish the applicable follow-on actions specified in paragraph (b)(1) or (b)(2) of this AD.

(1) If no crack is detected, prior to further flight, install new doublers and stress pads on frame 179 in accordance with the alert service bulletin. Immediately after installation, perform the actions specified in paragraph (c) of this AD. Accomplishment of these actions constitutes terminating action for the repetitive inspection requirements of paragraphs (a)(1) of this AD.

(2) If any crack is detected, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization

Branch. Prior to further flight following accomplishment of the repair, install new doublers and stress pads on frame 179 in accordance with the alert service bulletin; and then perform the actions specified in paragraph (c) of this AD. Accomplishment of these actions constitutes terminating action for the repetitive inspection requirements of paragraphs (a)(1) of this AD.

(c) Prior to further flight following accomplishment of the actions as specified in paragraph (a)(1), (a)(2), (b)(1), or (b)(2) of this AD, perform a test to verify proper adjustment of the restraint cable, in accordance with the alert service bulletin. If the restraint cable has been improperly adjusted, prior to further flight, correct the discrepancy in accordance with the alert service bulletin.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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

Issued in Renton, Washington, on February 5, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-3691 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-CE-62-AD]

RIN 2120-AA64

Airworthiness Directives; Industrie Aeronautiche E Meccaniche Model Piaggio P-180 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Industrie Aeronautiche E Meccaniche (I.A.M.) Model Piaggio P-180 airplanes that are equipped with a certain freon air conditioning system. The proposed action would require inspecting the baggage compartment for stringer or air cycle machine (ACM) by-pass duct damage, repairing any damage found,

and modifying the freon air inlet duct and electrical wiring. The proposed AD results from trim system malfunction on one of the affected airplanes, resulting from contact between the freon air inlet duct and the electrical wiring. The actions specified by the proposed AD are intended to prevent trim system malfunction caused by contact between the freon air inlet duct and electrical wiring, which could result in loss of control of the airplane.

DATES: Comments must be received on or before April 25, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-62-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from I.A.M. Rinaldo Piaggio, S.p.A., Via Cibrario, 4 16154, Genoa, Italy. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Maurice Kuttler, Program Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium; telephone 32 2 508 2715; facsimile 32 2 230 6899; or Mr. Roman T. Gabrys, Project Officer, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426-6932; facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by

interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 96-CE-62-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 96-CE-62-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Registro Aeronautico Italiano (RAI), which is the airworthiness authority for Italy, recently notified the FAA that an unsafe condition may exist on I.A.M. Model Piaggio P-180 airplanes. The RAI reports trim system malfunction on one of the affected airplanes, resulting from contact between the freon air inlet duct and the electrical wiring. The affected airplane was equipped with a freon air conditioning system incorporated in accordance with I.A.M. Kit 80KS00004-* * *(801/803/805/807). This same configuration exists on I.A.M. Model Piaggio P-180 airplanes equipped with a Keith Freon Air Conditioning System installed in accordance with Supplemental Type Certificate (STC) SA2762CE. This condition, if not detected and corrected, could result in airplane controllability problems if use of the trim system was lost or the system malfunctioned.

Applicable Service Information

I.A.M. has issued Piaggio Avante P-180 Service Bulletin (SB) 80-00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995, which includes procedures for the following on Model Piaggio P-180 airplanes:

- Inspecting the baggage compartment to verify if damage has occurred to a stringer and to the Air Cycle Machine (ACM) by-pass duct because of chafing with the freon air inlet duct; and
- Protecting the tubings/hoses in the electrical wiring (Modification No. 80M000014).

I.A.M. started incorporating Modification No. 80M000014 on Model

Piaggio P-180 airplanes during manufacture, beginning with serial number 1031.

The RAI classified Piaggio Avante P-180 SB 80-00083 as mandatory and issued RAI AD 96-042, dated February 21, 1996, in order to assure the continued airworthiness of these airplanes in Italy.

Evaluation of all Applicable Information

This airplane model is manufactured in Italy and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RAI has kept the FAA informed of the situation described above.

The FAA has examined the findings of the RAI; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other I.A.M. Model Piaggio P-180 airplanes of the same type design that are registered in the United States and have either a freon air conditioning system incorporated in accordance with I.A.M. Kit 80KS00004-* * *(801/803/805/807) or a Keith Freon Air Conditioning System installed in accordance with STC SA2762CE, the FAA is proposing AD action. The proposed AD would require inspecting the baggage compartment for stringer or air cycle machine (ACM) by-pass duct damage and repairing any damage found; and modifying the freon air inlet duct and electrical wiring (Modification No. 80M000014). Accomplishment of the proposed inspection and modification would be in accordance with Piaggio Avante P-180 SB 80-00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995.

Cost Impact

The FAA estimates that 5 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 18 workhours (inspection: 2 workhours; modification: 16 workhours) per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts will cost approximately \$100 per airplane.

Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,900 or \$1,180 per airplane.

The above figures only take into account the cost of the inspection and modification, and do not account for the cost of replacing any parts found damaged during the inspection. The FAA has no way of determining how many airplanes may find damage during the inspections (if mandated through final rule AD action).

The FAA knows of no affected airplane owner/operator (of the five affected) that has already accomplished the proposed action.

Regulatory Impact

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Industrie Aeronautiche E Meccaniche:
Docket No. 96-CE-62-AD.

Applicability: Model Piaggio P-180 airplane, serial numbers 1004 and 1006 through 1030, certificated in any category, that have either a freon air conditioning system incorporated in accordance with I.A.M. Kit 80KS00004-*** (801/803/805/807) or a Keith Freon Air Conditioning System installed in accordance with Supplemental Type Certificate (STC) SA2762CE.

Note 1: The modification required by this AD is incorporated at manufacture on Model Piaggio P-180 airplanes, beginning with serial number 1031. Airplanes with this modification are not affected by this AD.

Note 2: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required within the next 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent trim system malfunction caused by contact between the freon air inlet duct and electrical wiring, which could result in loss of control of the airplane, accomplish the following:

(a) Inspect the baggage compartment for stringer or air cycle machine (ACM) by-pass duct damage (cracks, frays, nicks, dents, etc.) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Avante P-180 Service Bulletin (SB) 80-00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995. If any parts are damaged, prior to further flight, repair or replace the damaged part in accordance with the applicable maintenance manual.

(b) Modify the freon air inlet duct and electrical wiring (Modification No. 80M000014) in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Avante P-180 SB 80-00083, Original Issue: December 7, 1994; Revision No. 1: December 5, 1995.

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

(d) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Division, FAA, Europe, Africa, and Middle East Office, c/o American

Embassy, B-1000 Brussels, Belgium. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Division.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Brussels Aircraft Certification Division.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to I.A.M. Rinaldo Piaggio, S.p.A., Via Cibrario, 4 16154, Genoa, Italy; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on February 7, 1997.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97-3692 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-U

14 CFR Part 39

[Docket No. 96-NM-188-AD]

RIN 2120-AA64

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace Model BAC 1-11 200 and 400 series airplanes. This proposal would require repetitive ultrasonic inspections to detect cracking of the lugs of the engine mounting beams, and replacement of the beam with a serviceable part, if necessary. This proposal is prompted by reports of fatigue cracking of the lugs of the engine mounting beams. The actions specified by the proposed AD are intended to detect and correct such cracking of the engine mounting lugs, which could result in reduced structural capability of the engine mount.

DATES: Comments must be received by March 27, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-188-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this

location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace, Airbus Limited, P.O. Box 77, Bristol BS99 7AR, England. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (206) 227-2797; fax (206) 227-1149.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 96-NM-188-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 96-NM-188-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for

the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace Model BAC 1-11 200 and 400 series airplanes. The CAA advises that it has received two reports of fatigue cracking of the upper rear engine mounting beam. In one instance, the airplane had accumulated 11,344 flight hours and logged 6,267 landings. In the other instance, the airplane had accumulated 1,740 flight hours and logged 858 landings. In the latter instance, the crack of the lug had opened sufficiently to be detected visually and had propagated in the longitudinal direction of the beam from the bore to the outside edge of the lug. Such cracking of the lugs of the engine mounting beam, if not detected and corrected, could result in reduced structural capability of the engine mount.

Explanation of Relevant Service Information

British Aerospace has issued Alert Service Bulletin 53-A-PM6032, Issue 1, dated April 7, 1995, which describes procedures for repetitive ultrasonic inspections to detect cracking of the lugs of the lower forward, lower rear, upper forward, and upper rear engine mounting beams, and replacement of the beam with a serviceable part, if necessary. The CAA classified this service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require repetitive ultrasonic inspections to detect cracking of the lugs of the lower forward, lower rear, upper forward, and upper rear engine mounting beams, and replacement of the beam with a

serviceable part, if necessary. The actions would be required to be accomplished in accordance with the alert service bulletin described previously.

Operators should note that certain compliance times in the proposed AD are specified in landings or flight hours, as well as calendar time. The FAA has determined that, since fatigue cracking is directly related to the number of landings, the compliance times should be specified in landings that are based on the earliest number of landings known to have been completed when cracking of the lugs of the engine mounting beams were detected.

Cost Impact

The FAA estimates that 31 British Aerospace Model BAC 1-11 200 and 400 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$11,160 or \$360 per airplane.

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

Regulatory Impact

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

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

location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

British Aerospace Airbus Limited (Formerly British Aerospace Commercial Aircraft Limited, British Aerospace Aircraft Group): Docket 96-NM-188-AD.

Applicability: All Model BAC 1-11 200 and 400 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking of the engine mounting lugs, which could result in reduced structural capability of the engine mount; accomplish the following:

(a) Perform an ultrasonic inspection to detect cracking of the lugs of the lower forward, lower rear, upper forward, and upper rear of the engine mounting beams in accordance with British Aerospace Alert Service Bulletin 53-A-PM6032, Issue 1, dated April 7, 1995, and at the earliest of the times specified in paragraph (a)(1), (a)(2), or (a)(3) of this AD.

(1) Within 850 landings after the effective date of this AD. Or

(2) Within 1,700 flight hours after the effective date of this AD. Or

(3) Within 2 years after the effective date of this AD.

(b) If no cracking is detected, repeat the inspection thereafter at intervals not to

exceed 1,700 flight hours or 850 landings, whichever occurs first.

(c) If any cracking is detected, prior to further flight, replace the engine mounting beam in accordance with British Aerospace Alert Service Bulletin 53-A-PM6032, Issue 1, dated April 7, 1995.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM-113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM-113.

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

Issued in Renton, Washington, on February 7, 1997.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service.
[FR Doc. 97-3696 Filed 2-13-97; 8:45 am]
BILLING CODE 4910-13-U

14 CFR Part 71

[Airspace Docket No. 95-ANM-27]

Proposed Amendment to Class E Airspace, Burlington, Colorado

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This proposed rule would amend the Burlington, Colorado, Class E airspace to accommodate new Standard Instrument Approach Procedures (SIAPS) at Kit Carson County Airport. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before March 31, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operation Branch, ANM-530, Federal Aviation Administration, Docket No. 95-ANM-27, 1601 Lind Avenue SW, Renton, Washington 98055-4056.

The official docket may be examined at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: James Frala, ANM-532.4, Federal

Aviation Administration, Docket No. 95-ANM-27, 1601 Lind Avenue SW, Renton, Washington 98055-4056; telephone number: (206) 227-2535.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made "Comments to Airspace Docket No. 95-ANM-27." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations Branch ANM-530, 1601 Lind Avenue SW, Renton, Washington 98055-4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend Class E airspace at Burlington, Colorado, to accommodate new SIAPS at Kit Carson County Airport. The area would be depicted on aeronautical

charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in Paragraph 6005 of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

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

* * * * *

ANM CO E5 Burlington, CO [Revised]
Burlington, Kit Carson County Airport, CO
(Lat. 39°14'41" N, long. 102°17'05" W).

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the Kit Carson County Airport; that airspace extending upward from 1,200 feet above the surface beginning at lat. 39°48'00" N, long. 103°10'00" W; to lat. 39°29'00" N, long. 101°37'00" W; to lat. 39°18'30" N, long. 101°37'00" W; to lat. 38°57'00" N, long. 102°05'00" W; to lat. 39°00'00" N, long. 102°50'30" W; to lat. 39°38'30" N, long. 103°18'00" W; thence to point of beginning, excluding the airspace within the State of Kansas.

* * * * *

Issued in Seattle, Washington, on January 30, 1997.

George L. Orr,

Acting Manager, Air Traffic Division,
Northwest Mountain Region.

[FR Doc. 97-3754 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 97-AEA-13]

Proposed Amendment to Class E Airspace; Clearfield, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Class E airspace area at Clearfield, PA. The development of a new Standard Instrument Approach Procedure (SIAP) at Clearfield-Lawrence Airport based on the Global Positioning System (GPS) has made this proposal necessary. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for instrument flight rules (IFR) operations at the airport.

DATES: Comments must be received on or before March 25, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AEA-530, Docket No. 97-AEA-13, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy Int'l Airport Jamaica, NY 11430.

The official docket may be examined in the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430.

An informal docket may also be examined during normal business hours in the Operations Branch, AEA-530, F.A.A. Eastern Region, Federal Building, #111, John F. Kennedy International Airport, Jamaica, NY 11430.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Operations Branch, AEA-530

F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

"Comments to Airspace Docket No. 97-AEA-13." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Assistant Chief Counsel, AEA-7, F.A.A. Eastern Region, Federal Building #111, John F. Kennedy International Airport, Jamaica, NY 11430.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to amend the Class E airspace area at Clearfield, PA. A GPS RWY 30 SIAP has been developed for the Clearfield-

Lawrence Airport. Additional controlled airspace extending upward from 700 feet above the surface (AGL) is needed to accommodate this SIAP and for IFR operations at the airport. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface are published in Paragraph 6005 of FAA Order 7400.9D, dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389; 14 CFR 11.69.

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, dated September 4, 1996, and effective September 16, is proposed to be amended as follows:

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

* * * * *

AEA PA E5 Clearfield, PA [Revised]

Clearfield-Lawrence Airport, Clearfield, PA
(Lat. 41°02'55"N, long. 78°24'47"W)

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Clearfield-Lawrence Airport, excluding that portion which overlies the Philipsburg, PA Class E airspace area.

* * * * *

Issued in Jamaica, New York, on February 3, 1997.

James K. Buckles,

Acting Manager, Air Traffic Division, Eastern Region.

[FR Doc. 97-3752 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Parts 500, 505 and 515

Foreign Assets Control Regulations; Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries; Cuban Assets Control Regulations; Civil Penalty Administrative Hearings

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Treasury Department proposes to amend the Foreign Assets Control Regulations and the Cuban Asset Control Regulations to add procedures for the conduct of administrative hearings in civil penalty cases and for settlement of civil penalty cases in lieu of administrative hearings. A conforming amendment is proposed to be made to the Transaction Control Regulations.

DATES: Written comments must be received by March 17, 1997.

ADDRESSES: Comments may be mailed to the Director, Office of Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW—Annex, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Mrs. B.S. Scott, Chief, Civil Penalties Program (tel.: 202/622-6140), or William B. Hoffman, Chief Counsel (tel.: 202/622-2410), Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document is available as an electronic file on *The Federal Bulletin Board* the day of publication in the Federal Register. By modem, dial 202/512-1387 and type "/GO FAC," or call 202/512-1530 for disk or paper copies. This file is available for downloading without charge in WordPerfect 5.1, ASCII, and Adobe Acrobat™ readable

(* .PDF) formats. For Internet access, the address for use with the World Wide Web (Home Page), Telnet, or FTP protocol is: fedbbs.access.gpo.gov. The document is also accessible for downloading in ASCII format without charge from Treasury's Electronic Library ("TEL") in the "Business, Trade and Labor Mall" of the FedWorld bulletin board. By modem, dial 703/321-3339, and select the appropriate self-expanding file in TEL. For Internet access, use one of the following protocols: Telnet = fedworld.gov (192.239.93.3); World Wide Web (Home Page) = <http://www.fedworld.gov>; FTP = <ftp.fedworld.gov> (192.239.92.205). Additional information concerning the programs of the Office of Foreign Assets Control is available for downloading from the Office's Internet Home Page: <http://www.ustreas.gov/treasury/services/fac/fac.html>, or in fax form through the Office's 24-hour fax-on-demand service: call 202/622-0077 using a fax machine, fax modem, or (within the United States) a touch-tone telephone.

Background

The Foreign Assets Control Regulations, 31 CFR part 500, and the Cuban Asset Control Regulations, 31 CFR part 515 (jointly, the "Regulations"), are proposed to be amended to provide for detailed procedures governing administrative hearings, as provided in section 1710(c) of the Cuban Democracy Act of 1992 (22 U.S.C. 6001-6010 — the "CDA"). A conforming amendment is proposed to be made to § 505.50 of the Regulations Prohibiting Transactions Involving the Shipment of Certain Merchandise Between Foreign Countries, 31 CFR part 505, which incorporates by reference the penalty provisions of part 500. Because the CDA amends section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) to permit the imposition of civil monetary penalties and civil forfeiture with opportunity for hearing and discovery, subpart G of the Regulations is proposed to be revised to establish the procedures governing administrative hearings.

Before this proposed rule is adopted as a final rule, consideration will be given to written comments (a signed original and 2 copies) that are timely submitted to the OFAC. All comments will be available for public inspection and copying.

Regulatory Flexibility Act

It has been determined that this notice of proposed rulemaking is not a "significant regulatory action" as defined in Executive Order 12866. Therefore, a regulatory assessment is not

required. It is hereby certified, pursuant to the Regulatory Flexibility Act (5 U.S.C. 605(b)), that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities, so that no regulatory flexibility analysis is required. The factual basis for this certification is as follows: Since civil penalty procedures under the Regulations were adopted (June 29, 1993, for part 515; April 8, 1994, for part 500), all recipients of a prepenalty notice under the Regulations have been provided the opportunity to request an administrative hearing, with prehearing discovery, prior to imposition of a penalty. §§ 500.702(b) & 515.702(b). As of December 20, 1996, the cumulative number of hearing requests pending was 27. Of these, only 10 involved respondents that are small business entities with fewer than 500 employees. A respondent's decision to use the administrative hearing process is strictly voluntary, and any final agency action imposing a civil penalty, with or without an administrative hearing, remains appealable pursuant to section 702 of the Administrative Procedure Act (5 U.S.C. 553-596 — the "APA").

The collection of information in the proposed rules arises in the conduct of administrative actions or investigations by OFAC against specific individuals or entities and is, therefore, not subject to the requirements of the Paperwork Reduction Act pursuant to 44 U.S.C. 3518(c)(1)(B)(ii).

List of Subjects

31 CFR Part 500

Administrative practice and procedure, Banks, banking, Blocking of assets, Cambodia, Currency, Estates, Exports, Finance, Foreign claims, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, International organizations, North Korea, Penalties, Reporting and recordkeeping requirements, Securities, Services, Specially designated nationals, Terrorism, Travel restrictions, Trusts and trustees, Vessels, Vietnam.

31 CFR Part 505

Administrative practice and procedure, Arms and munitions, Banks, banking, Communist countries, Exports, Finance, Foreign trade, Nuclear materials, Penalties, Reporting and recordkeeping requirements.

31 CFR Part 515

Administrative practice and procedure, Air carriers, Banks, banking, Blocking of assets, Cuba, Currency,

Estates, Exports, Finance, Foreign investment in the United States, Foreign trade, Imports, Information and informational materials, Penalties, Reporting and recordkeeping requirements, Securities, Shipping, Specially designated nationals, Terrorism, Travel restrictions, Trusts and trustees, Vessels.

For the reasons set forth in the preamble, 31 CFR parts 500, 505 and 515 are proposed to be amended as set forth below:

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

1. The authority citation for part 500 is revised to read as follows:

Authority: 50 U.S.C. App. 1-44; Pub. L. 104-132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

2. Subpart G is revised to read as follows:

Subpart G—Penalties

Secs.

500.701 Penalties.

500.702 Prepenalty notice; contents; service.

500.703 Response to prepenalty notice; right to hearing and prehearing discovery; informal settlement.

500.704 Penalty imposition or withdrawal absent a hearing request.

500.705 Time and opportunity to request a hearing.

500.706 Hearing, discovery, and decision on the record.

500.707 Judicial review.

500.708 Referral to United States Department of Justice; administrative collection measures.

Subpart G—Penalties

§ 500.701 Penalties.

(a) Attention is directed to section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16), as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, as amended, 28 U.S.C. 2461 note), which provides that:

(1) Persons who willfully violate any provision of that act or any license, rule, or regulation issued thereunder, and persons who willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of that act shall, upon conviction, be fined not more than \$1,000,000 or, if an individual, be fined not more than \$100,000 or imprisoned for not more than 10 years, or both; and an officer, director, or agent of any corporation who knowingly participates in such violation shall, upon conviction, be fined not more than \$100,000 or

imprisoned for not more than 10 years, or both.

(2) Any property, funds, securities, paper, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, concerned in a violation of the act may upon conviction be forfeited to the United States.

(3) The Secretary of the Treasury may impose a civil penalty of not more than \$55,000 per violation on any person who violates any license, order, or regulation issued under that act.

(4) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation subject to a civil penalty issued pursuant to the act shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

(b) The criminal penalties provided in the Trading with the Enemy Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

§ 500.702 Prepenalty notice; contents; service.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Trading with the Enemy Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty and/or forfeiture. The prepenalty notice may be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state

the amount of the proposed monetary penalty and/or forfeiture.

(2) *Respondent's rights*—(i) *Right to respond.* The prepenalty notice shall also inform the respondent of respondent's right to respond to the notice within 30 days of the mailing or other service of the notice pursuant to paragraph (c) of this section, as to why a monetary penalty and/or forfeiture should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

(ii) *Right to request a hearing.* The prepenalty notice shall also inform the respondent that, in the response provided for in paragraph (b)(2)(i) of this section, the respondent may also request a hearing conducted pursuant to 5 U.S.C. 554-557 to present the respondent's defenses to the imposition of a penalty and/or forfeiture and to offer any other information that the respondent believes should be included in the agency record prior to a final determination concerning the imposition of a penalty and/or forfeiture. Untimely response constitutes a waiver of a hearing.

(iii) *Right to request discovery prior to hearing.* The prepenalty notice shall also inform the respondent of the right to discovery prior to a requested hearing. Discovery must be requested in writing in the response provided for in paragraph (b)(2)(i) of this section, jointly with respondent's request for a hearing. Untimely response constitutes a waiver of prehearing discovery.

(c) *Service.* The prepenalty notice, or any amendment or supplement thereto, shall be served upon the respondent. Service shall be presumed completed:

(1) Upon mailing a copy by registered or certified mail, return receipt requested, addressed to the respondent at the respondent's last known address; or

(2) Upon presentment of a date-stamped postal receipt by the Office of Foreign Assets Control with respect to any respondent who has refused, avoided, or in any way attempted to decline delivery, tender, or acceptance of the registered or certified letter or has refused to recover a registered or certified letter served; or

(3) Upon leaving a copy with the respondent or an officer, a managing or general agent, or any other agent authorized by appointment or by law to accept or receive service for the respondent, evidenced by a certificate of service signed by the individual making such service, stating the method of service and the identity of the individual with whom the prepenalty notice was left; or

(4) Upon proof of service on a respondent who is not resident in the United States by any method of service permitted by the law of the jurisdiction in which the respondent resides or is located, provided the requirements of such foreign law satisfy due process requirements under United States law with respect to notice of administrative proceedings, and where applicable laws or intergovernmental agreements or understandings make the methods of service set forth in paragraphs (c)(1) through (3) of this section inappropriate or ineffective for service upon the nonresident respondent.

§ 500.703 Response to prepenalty notice; right to hearing and prehearing discovery; informal settlement.

(a) *Deadline for response.* The respondent shall have 30 days from the date of mailing or other service of the prepenalty notice pursuant to § 500.702(c) to respond thereto.

(b) *Form and contents of response—*

(1) *In general.* The written response need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should be responsive to the allegations contained therein and set forth the nature of the respondent's defenses.

(i) The response must admit or deny specifically each separate allegation of violation made in the prepenalty notice. If the respondent is without knowledge as to an allegation, the response shall so state, and such statement shall operate as a denial. Failure to deny, controvert, or object to any allegation will be deemed an admission of that allegation.

(ii) The response must also set forth any additional or new matter or arguments the respondent seeks, or shall seek, to use in support of all defenses or claims for mitigation. Any defense or partial defense not specifically set forth in the response shall be deemed waived, and evidence thereon may be refused, except for good cause shown.

(iii) The response must also accurately state, for each respondent, the respondent's full name and address for future service, including current telephone number and area code. Respondents are responsible for providing timely written notice to all interested parties of any subsequent changes in the information provided.

(2) *Request for hearing.* Any request for an administrative hearing and prehearing discovery shall be made in the written response made pursuant to this section and within the 30-day time period specified in § 500.705(a).

(3) *Informal settlement.* In addition or as an alternative to a written response

to a prepenalty notice pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the prepenalty notice will be withdrawn, the respondent is not required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30-day period specified in paragraph (a) of this section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control. Untimely response constitutes a waiver of a hearing and prehearing discovery.

§ 500.704 Penalty imposition or withdrawal absent a hearing request.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice and any relevant facts, the Director determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no civil monetary penalty or civil forfeiture pursuant to this subpart will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice and any relevant facts, the Director determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition by the Office of Foreign Assets Control of the civil monetary penalty and/or civil forfeiture and/or other available disposition on that respondent.

(1) The penalty/forfeiture notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) The penalty/forfeiture notice shall inform the respondent of the requirement to furnish respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that the Department intends to use such number for the purposes of collecting and reporting on any delinquent penalty

amount in the event of a failure to pay the penalty imposed.

§ 500.705 Time and opportunity to request a hearing.

(a) *Deadline for hearing request.* Within 30 days of the date of mailing or other service of the prepenalty notice pursuant to § 500.702(c), the respondent may file a written request for an agency hearing conducted pursuant to this section, to present the respondent's defenses to the imposition of a penalty and/or forfeiture, and to offer any other information found to be admissible into the agency record prior to a final determination concerning the imposition of a penalty and/or forfeiture.

(b) *Content of written response.* If an agency hearing is requested by the respondent or by the respondent's counsel, the written hearing request must be accompanied by a written response to the prepenalty notice containing the information required by § 500.703(b)(1)(i) through (iii). An untimely hearing request or written response to the prepenalty notice constitutes a waiver of a hearing.

(c) *Signature of filings.* All hearing requests, motions, responses, interrogatories, requests for deposition transcripts, requests for protective orders, and all other filings relating to requests for and responses to discovery or pertaining to the hearing process, must be signed by each requesting party and, if represented, by each party's counsel.

§ 500.706 Hearing, discovery, and decision on the record.

(a) *Notice of hearing.* (1) Any respondent requesting a hearing shall receive notice of the time and place of the hearing at the service address provided pursuant to § 500.703(b)(1)(iii). Requests to change the time and place of a hearing may be submitted to the Administrative Law Judge, who may modify the original notice or subsequently set hearing dates. All requests for any change in time and place of a hearing must be received in the Administrative Law Judge's chambers and served upon all interested parties no later than 10 working days before the scheduled hearing date.

(2) The hearing shall be conducted in a manner consistent with 5 U.S.C. 554-557, pursuant to section 1710(c) of the Cuban Democracy Act of 1992 (22 U.S.C. 6001-6010), and section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16).

(b) *Powers.* The Administrative Law Judge shall have all powers necessary to conduct the hearing, consistent with 5

U.S.C. 554–557, including the following powers:

- (1) To administer oaths and affirmations;
 - (2) To require production of records or any information relative to any act or transaction subject to this part, including the imposition of sanctions available under Federal Rule of Civil Procedure 37(b)(2) (Fed. R. Civ. P. 37(b)(2), 28 U.S.C.) for a party's failure to comply with discovery requests;
 - (3) To receive relevant and material evidence and to rule upon the admission of evidence and offers of proof;
 - (4) To take or cause depositions to be taken as authorized by this part;
 - (5) To regulate the course of the hearing and the conduct of the parties and their counsel;
 - (6) To hold scheduling or prehearing conferences as deemed necessary;
 - (7) To consider and rule upon all procedural and other motions appropriate in an adjudicatory proceeding, provided that only the Secretary or the Secretary's designee shall have the power to grant any motion to dismiss the proceeding or to decide any other motion that results in a final determination of the merits of the proceeding;
 - (8) To prepare and present to the Secretary or to the Secretary's designee a recommended decision as provided in paragraph (s) of this section;
 - (9) To recuse himself on motion made by a party or on the Administrative Law Judge's own motion;
 - (10) To establish time, place and manner limitations on the attendance of the public and the media for any public hearing;
 - (11) To perform all necessary or appropriate measures to discharge the duties of an Administrative Law Judge; and
 - (12) To set fees and expenses for witnesses, including expert witnesses.
- (c) *Appearance and practice in a civil penalty hearing*—(1) *Appearance before an Administrative Law Judge by counsel*. Any member in good standing of the bar of the highest court of any state, commonwealth, possession, or territory of the United States, or the District of Columbia may represent respondents upon written request in a civil penalty hearing. A copy of the document appointing the counsel shall be presented to the Administrative Law Judge upon the first appearance of counsel.
- (2) *Appearance before an Administrative Law Judge by a non-lawyer*. A respondent may appear on his own behalf; a member of a partnership may represent the partnership; a duly

authorized officer, director, or employee of any corporation may represent that corporation in a civil penalty hearing.

(3) *Office of Foreign Assets Control representation*. The Office of Foreign Assets Control shall be represented by the Chief Counsel of the Office of Foreign Assets Control or by the Chief Counsel's designee.

(d) *Conflicts of interest*—(1) *Conflict of interest in representation*. No individual shall appear as counsel for a party in a proceeding conducted pursuant to this subpart if it reasonably appears that such representation may be materially limited by that counsel's responsibilities to a third person, or by counsel's own interests.

(2) *Corrective Measures*. The Administrative Law Judge may take corrective measures at any stage of a proceeding to cure a conflict of interest in representation, including the issuance of an order limiting the scope of representation or disqualifying an individual from appearing in a representative capacity for the duration of the proceeding.

(e) *Ex parte communications*—(1) *Definition*. The term *ex parte communication* means any material oral or written communication not on the public record concerning the merits of an adjudicatory proceeding with respect to which reasonable prior notice to all parties is not given, on any material matter or proceeding covered by these regulations that takes place between:

- (i) A party to the proceeding, a party's counsel, or any other individual; and
- (ii) The Administrative Law Judge handling that proceeding, or the Secretary, or the Secretary's designee.

(2) *Exceptions*. (i) A request for the status of the proceeding does not constitute an *ex parte communication*; and

(ii) Settlement inquiries and discussions do not constitute *ex parte communications*.

(3) *Prohibition on ex parte communications*. From the time a respondent requests a hearing until the date that the Secretary or the Secretary's designee issues a final decision, no party, interested person, or counsel therefor shall knowingly make or cause to be made an *ex parte communication*. The Administrative Law Judge, the Secretary, and the Secretary's designee shall not knowingly make or cause to be made to a party, or to any interested person or counsel therefor, any *ex parte communication*.

(4) *Procedure upon occurrence of ex parte communication*. If an *ex parte communication* is received by the Administrative Law Judge, the Administrative Law Judge shall cause

all such written communication (or, if the communication is oral, a memorandum stating the substance of the communication) to be placed on the record of the proceeding and served on all parties. All parties to the proceeding shall have an opportunity, within 10 days of the receipt of service of the notice or of receipt of a memorandum of the *ex parte communication*, to file responses thereto and to recommend any sanctions, in accordance with paragraph (e)(5) of this section, appropriate under the circumstances, or may file an interlocutory appeal with the Secretary or the Secretary's designee.

(5) *Sanctions*. Any respondent, respondent's counsel, or other party who makes a prohibited *ex parte communication*, or who encourages or solicits another to make any such communication, may be subject to any appropriate sanction or sanctions imposed by the Administrative Law Judge for good cause shown, or that may be imposed upon interlocutory appeal taken to the Secretary or the Secretary's designee, including, but not limited to, exclusion from the hearing and an adverse ruling on the issue which is the subject of the prohibited communication.

(f) *Time limits*. Except as provided elsewhere in this subpart, the Administrative Law Judge shall establish all time limits for filings with regard to hearings conducted pursuant to this subpart, except for decisions on interlocutory appeals filed with the Secretary or the Secretary's designee.

(g) *Interlocutory Appeal*. When exceptions, requests for extensions, or motions, including motions for summary disposition, are denied by the Administrative Law Judge, interlocutory appeals may be taken to the Secretary or to the Secretary's designee for a decision.

(1) Interlocutory appeals must be filed no later than 10 working days after the matter being appealed has been decided in writing by the Administrative Law Judge.

(2) Interlocutory appeals must be filed with the Secretary's Office, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, with certified copies served upon the Administrative Law Judge and the Office of Chief Counsel for the Office of Foreign Assets Control.

(h) *Opportunity for settlement*. Any party may, at any time during the hearing, unilaterally submit written offers or proposals for settlement of a proceeding to the Secretary or the Secretary's designee, at the address listed in paragraph (g)(2) of this section.

Submission of a written settlement offer does not provide a basis for adjourning or otherwise delaying all or any portion of a hearing. No settlement offer or proposal, or any subsequent negotiation or resolution, is admissible as evidence in any hearing before this tribunal.

(i) *Failure to appear.* The unexcused failure of a respondent to appear in person at a hearing or to have duly authorized counsel appear in respondent's place, constitutes a waiver of the respondent's right to a hearing and is deemed an admission of the violation alleged. Without further proceedings or notice to the respondent, the Administrative Law Judge shall file with the Secretary or the Secretary's designee a recommended decision finding a violation and the amount of penalty as indicated in the prepenalty notice.

(j) *Motions—(1) Written motions.* Except as otherwise specifically provided herein, an application or request for an order or ruling must be made by written motion, in typed format.

(i) All written motions must state with particularity the relief sought and must be accompanied by a proposed order.

(ii) No oral argument may be held on written motions unless directed by the Administrative Law Judge. Written memoranda, briefs, affidavits, and other relevant material and documents may be filed in support of or in opposition to a motion.

(2) *Oral motions.* A motion may be made orally on the record unless the Administrative Law Judge directs that such motion be made in writing.

(3) *Filing of motions—(i) In general.* Motions must be filed with the Administrative Law Judge, and with the Office of Chief Counsel, Office of Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, with the envelope prominently marked, "Urgent: Annex—Room 3133," unless otherwise directed by the Administrative Law Judge, or agreed to by Chief Counsel.

(ii) *Interlocutory appeals.* Motions related to interlocutory appeals to the Secretary or the Secretary's designee must be sent by fax (fax number: 202/622-1188) and filed with the Secretary, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, marked "Attention: OFAC Interlocutory Appeal."

(4) *Responses.* (i) Any interested party may file a written response to a motion within 20 days of the date of mailing, by registered or certified letter service and pursuant to these regulations. If directed by the Administrative Law Judge

response time may be shortened or extended. The Administrative Law Judge may allow each party to file a response before finally ruling upon any oral or written motion. The Administrative Law Judge may allow a rejoinder to responses for good cause shown. If a rejoinder is permitted, it must be filed within 15 days of the date the response was filed and served upon all parties.

(ii) The failure of a party to oppose a written motion or an oral motion made on the record is deemed to be consent by that party to the entry of an order substantially in the form of the order accompanying the motion.

(5) *Dilatory motions.* Frivolous, dilatory, or repetitive motions are prohibited. The filing of such motions may form the basis for sanctions.

(k) *Discovery—(1) In general.* The availability of information and documents through discovery is subject to the agency's assertion of privileges available to OFAC and/or to the Treasury and to the application of all exemptions afforded the agency pursuant to the Freedom of Information Act (5 U.S.C. 552(b)(1) through (9)) and the Privacy Act (5 U.S.C. 552a) to all facets of discovery, including interrogatories, depositions that seek the release of trade secrets, proprietary materials, third party confidential and/or commercially sensitive material, placement of information, documents and/or materials under seal and/or protective order, and interlocutory appeal to the Secretary or the Secretary's designee from any decision of the Administrative Law Judge.

(2) *Types of discovery.* Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or other evidence for inspection; and requests for admission. All depositions of federal employees must take place in Washington, DC, at the U.S. Treasury Department or at the location where the federal employee to be deposed performs his duties, whichever the federal employee's supervisor or Chief Counsel shall deem appropriate. All depositions of federal employees shall be held at a mutually agreed upon date and time, and for a mutually agreed upon length of time.

(3) *Interrogatories.* Respondent's interrogatories must be served upon the Chief Counsel within 20 days of respondent's written request for a hearing. Chief Counsel must serve Chief Counsel's interrogatories within 30 days of the receipt of service of respondent's interrogatories or within 30 days of the receipt of respondent's written request

for a hearing if no interrogatories are filed by respondent by that time. Parties have 30 days to respond to interrogatories from the date interrogatories are received.

Interrogatories shall be limited to 20 questions only. Each subpart, section, or other designation of a part of a question shall be counted as one complete question in computing the permitted 20 question total. Where more than 20 questions are served upon a party, the receiving party may determine which of the 20 questions the receiving party shall answer.

(4) *Scope.* Parties may obtain discovery regarding any matter not privileged, which has material relevance to the merits of the pending action. It is not a ground for objection that the information sought will be inadmissible at the hearing if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The Administrative Law Judge may make any order which justice requires to ensure that requests are not unreasonable, oppressive, excessive in scope or unduly burdensome, including the issuance of an order to show cause why a particular discovery request is justified upon the motion of the objecting party.

(5) *Privileged matter.* Privileged documents are not discoverable. Privileges include, inter alia, the attorney-client privilege, attorney work-product privilege, any government's or government agency's deliberative-process or classified information privilege, including materials classified pursuant to Executive Order 12958 (3 CFR, 1995 Comp., p. 333) and any future Executive orders that may be issued relating to the treatment of national security information, and all materials and information exempted from release to the public pursuant to the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552(b)(1) through (9)).

(6) *Updating discovery.* Whenever a party receives new or additional information or documentation, all information produced, and all information required to be provided pursuant to the discovery and hearing process, must automatically be updated. The Administrative Law Judge may impose sanctions for failure to update, including prohibiting opposition to claims or defenses raised, striking pleadings or staying proceedings, dismissing the action or any part thereof, rendering a judgment by default, and holding a party in contempt.

(7) *Time limits.* All discovery, including all responses to discovery requests, shall be completed no later than 20 days prior to the date scheduled for the commencement of the hearing. No exceptions to this time limit shall be permitted, unless the Administrative Law Judge finds on the record that good cause exists for waiving the requirements of this paragraph (k)(7).

(l) *Summary disposition*—(1) *In general.* The Administrative Law Judge shall recommend that the Secretary or the Secretary's designee issue a final order granting a motion for summary disposition if the facts of the record show that:

(i) There is no genuine issue as to any material fact; and

(ii) The moving party is entitled to a decision in its favor as a matter of law.

(2) *Filing of motions and responses.* (i) Any party who believes that there is no genuine issue of material fact to be determined and that he or she is entitled to a decision as a matter of law may move at any time for summary disposition in its favor of all or any part of the proceeding. Any party, within 20 days after service of such a motion, or within such time period as allowed by the Administrative Law Judge, may file a response to such motion.

(ii) A motion for summary disposition must be accompanied by a statement of the material facts as to which the moving party contends there is no genuine issue. Such motion must be supported by documentary evidence, which may take the form of admissions in pleadings, stipulations, depositions, transcripts, affidavits, and any other evidentiary materials that the moving party contends support his position. The motion must also be accompanied by a brief containing the points and authorities in support of the moving party's arguments. Any party opposing a motion for summary disposition must file a statement setting forth those material facts as to which he or she contends a genuine dispute exists. Such opposition must be supported by evidence of the same type as that submitted with the motion for summary disposition and a brief containing the points and authorities in support of the contention that summary disposition would be inappropriate.

(3) *Hearing on motion.* At the request of any party or on his own motion, the Administrative Law Judge may hear oral argument on the motion for summary disposition.

(4) *Decision on motion.* Following receipt of a motion for summary disposition and all responses thereto, the Administrative Law Judge shall determine whether the moving party is

entitled to summary disposition. If the Administrative Law Judge determines that summary disposition is warranted, the Administrative Law Judge shall submit a recommended decision to that effect to the Secretary. If the Administrative Law Judge finds that no party is entitled to summary disposition, he or she shall make a ruling denying the motion.

(5) *Interlocutory appeal.* Following receipt of the Administrative Law Judge's recommended decision relating to summary disposition, each party has the right to an interlocutory appeal to the Secretary or the Secretary's designee, within 20 days immediately following the Administrative Law Judge's decision.

(m) *Partial summary disposition.* If the Administrative Law Judge determines that a party is entitled to summary disposition as to certain claims only, the Administrative Law Judge shall defer submission of a recommended decision as to those claims. A hearing on the remaining issues must be ordered and those claims for which the Administrative Law Judge has determined that summary disposition is warranted will be addressed in the recommended decision filed at the conclusion of the hearing.

(n) *Prehearing conferences and submissions*—(1) *Prehearing conferences.* The Administrative Law Judge may, on his own motion, or at the request of any party for good cause shown, direct counsel for the parties to meet with him (in person, by telephone, or by teleconference) at a prehearing conference to address any or all of the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, and the contents, authenticity and admissibility into evidence of documents;

(iii) Matters of which official notice may be taken;

(iv) Limitation of the number of witnesses;

(v) Summary disposition of any or all issues;

(vi) Resolution of discovery issues or disputes; and

(vii) Such other matters as may aid in the orderly disposition of the proceeding.

(2) *Prehearing orders.* At, or within a reasonable time following the conclusion of, any prehearing conference, the Administrative Law Judge shall serve on each party an order setting forth any agreements reached and any procedural determinations made.

(3) *Prehearing submissions.* Within 40 days of the receipt of respondent's request for a hearing or at a time set by the Administrative Law Judge, the Office of Foreign Assets Control shall serve on the respondent and upon the Administrative Law Judge, the following:

(i) Stipulations of fact, if any;

(ii) A list of the exhibits to be introduced at the hearing along with a copy of each exhibit; and

(iii) A list of witnesses to be called to testify at the hearing, including name and address of each witness and a short summary of the expected testimony of each witness.

(4) *Deadline for respondent's and other interested parties' submissions.* Unless for good cause shown the Administrative Law Judge permits an extension of time to file, the respondent and other interested parties shall have 20 days from the date of the submission by the Office of Foreign Assets Control of the items set forth in paragraph (n)(3) of this section, and/or of another interested party's service of items set forth in this paragraph (n)(4), to serve upon the Administrative Law Judge and all parties, the following:

(i) Its response to stipulations of fact, if any;

(ii) A list of the exhibits to be introduced at the hearing along with a copy of each exhibit; and

(iii) A list of witnesses to be called to testify at the hearing, including the name and address of each witness and a short summary of the expected testimony of each witness.

(5) *Effect of failure to comply.* No witness may testify and no exhibits may be introduced at the hearing if such witness or exhibit is not listed in the prehearing submissions pursuant to paragraphs (n)(3) and (n)(4) of this section, except for good cause shown.

(o) *Public hearings*—(1) *In general.* All hearings shall be open to the public, unless the Administrative Law Judge, at his discretion, determines at any time prior to or during the hearing, that holding an open hearing would be contrary to the public interest. Within 20 days of service of the notice, any party may file with the Administrative Law Judge a request for a closed hearing, and any party may file a pleading in reply to such a request. Failure to file a request or a reply is deemed a waiver of any objections regarding whether the hearing will be public or closed.

(2) *Filing document under seal.* (i) The Office of Foreign Assets Control may file any documents or any part of a document under seal if disclosure of the document would be inconsistent

with the protection of the public interest or if justice requires protection of any person, including a source or a party, from annoyance, threat, oppression, or undue burden or expense, or the disclosure of the information would be, or might reasonably lead to a disclosure, contrary to Executive Order 12958 or other Executive orders concerning disclosure of information, U.S. Treasury Department regulations, the Privacy Act, or the Freedom of Information Act.

(ii) The Administrative Law Judge shall also safeguard the security and integrity of any documents under seal and shall take all appropriate steps to preserve the confidentiality of such documents or any parts thereof, including closing portions of the hearing to the public. Release of any information under seal, in any form, or in any manner, is subject to the same sanctions and the exercise of the same authorities provided with respect to ex parte communications under paragraph (e)(5) of this section.

(iii) Should the Administrative Law Judge deny placement of any documents under seal or under protective order, any interested party, and any person whose documents or materials are at issue, may file an interlocutory appeal to the Secretary or the Secretary's designee. In such cases the Administrative Law Judge must not release or expose any of the records or documents in question to the public or to any other parties for a period of 20 days from the date of the Administrative Law Judge's ruling, in order to permit a petitioner the opportunity to either withdraw the records and documents or to file an interlocutory appeal with the Secretary or the Secretary's designee requesting an order that the records be placed under seal.

(iv) Upon settlement, final decision, or motion to the Administrative Law Judge for good cause shown, all materials (including all copies) under seal or protective order shall be returned to the respective parties, except when it may be necessary to retain a record until the judicial process is completed.

(v) Written notice of all requests for release of protected documents or materials shall be given to all interested parties registered with the Administrative Law Judge at least 20 days prior to any permitted release and prior to any access not specifically authorized under the protective order. A copy of all requests for information, including the name, address, and telephone number of the requester, shall be provided to the petitioner. Each request for access to protected material must also provide the names, addresses, and telephone numbers of all persons

represented by the requester, including those on whose behalf the requester seeks access to protected information. The Administrative Law Judge shall impose sanctions provided under paragraphs (e)(4) and (5) of this section for failure to provide this information.

(p) *Conduct of hearings*—(1) *In general*—(i) *Overview*. Hearings shall be conducted to provide a fair and expeditious presentation of the relevant disputed issues and facts. Each party has the right to present its case or defense by oral and documentary evidence and to conduct such cross examination as may be required for full disclosure of the relevant facts.

(ii) *Order of hearing*. The Office of Foreign Assets Control shall present its case—in-chief first, unless otherwise ordered in advance by the Administrative Law Judge or otherwise expressly specified by law or regulation. The Office of Foreign Assets Control shall be the first party to present an opening statement and a closing statement and may make a rebuttal statement after the respondent's closing statement.

(iii) *Stipulations*. Unless the Administrative Law Judge directs otherwise, all stipulations of fact and law previously agreed upon by the parties, and all documents, the admissibility of which has been previously stipulated, will be admitted into evidence upon commencement of the hearing.

(2) *Transcript*. A record of the hearing shall be made by manual or electronic means, including through the use of audio recorded diskettes or audio-visual cassettes, and transcribed unless the Administrative Law Judge rules otherwise. The transcript shall be made available to any party upon payment of the cost thereof. The Administrative Law Judge shall have authority to order the record corrected, either upon a motion to correct, upon a motion to stipulate by the parties for good cause shown, or following notice to the parties upon the Administrative Law Judge's own motion. The Administrative Law Judge shall serve notice upon all parties, at the addresses provided by the parties pursuant to § 500.703(b)(1)(iii), that the certified transcript, together with all hearing exhibits and exhibits introduced but not admitted into evidence at the hearing, has been filed with the Administrative Law Judge.

(q) *Evidence*—(1) *Admissibility*. (i) Except as is otherwise set forth in this section, evidence that is relevant and material is admissible to the fullest extent authorized by the Administrative Procedure Act and other applicable law.

(ii) Evidence may be excluded if it is misleading or its probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues, considerations of undue delay or waste of time, or of needless presentation of cumulative evidence.

(iii) Evidence that would be inadmissible under the Federal Rules of Evidence need not be deemed or ruled to be inadmissible in a proceeding conducted pursuant to this subpart if such evidence is relevant and material, and not unduly repetitive.

(2) *Official notice*. (i) Official notice may be taken of any material fact which may be judicially noticed by a United States district court.

(ii) All matters officially noticed by the Administrative Law Judge shall appear on the record.

(iii) If official notice is requested or taken of any material fact, the parties, upon timely request, shall be afforded an opportunity to object.

(3) *Duplicate copies*. A duplicate copy of a document is admissible to the same extent as the original, unless a genuine issue is raised as to whether the copy is in some material respect not a true and legible copy of the original.

(4) *Admissibility of evidence*. Objections to the admissibility of evidence must be timely made and rulings on all objections must appear on the record. Failure to object to admission of evidence or to any ruling constitutes a waiver of the objection.

(5) *Rejected exhibits*. The Administrative Law Judge shall retain rejected exhibits, adequately marked for identification, in the event of an interlocutory appeal.

(6) *Stipulations*. The parties may stipulate as to any relevant matters of fact or to the authenticity of any relevant documents. Such stipulations may be received into evidence at a hearing and are binding on the parties with respect to the matters therein stipulated.

(7) *Depositions of unavailable witnesses*. If a witness is unavailable to testify at a hearing, and that witness has testified in a deposition within the United States to which all parties to the proceeding have received timely notice and an opportunity to participate, a party may offer as evidence all or any part of the transcript of the deposition, including deposition exhibits. All costs of depositions shall be borne by the party requesting the deposition.

(r) *Proposed decision and supporting briefs*—(1) *Proposed decisions*. Any party may file with the Administrative Law Judge a proposed decision within 30 days after the parties have received notice that the transcript has been filed

with the Administrative Law Judge, unless otherwise ordered by the Administrative Law Judge.

(2) *Reliance on relevant authorities.* The proposed decision must be supported by citation to relevant authorities and by transcript page references to any relevant portions of the record. At the same time the proposed decision is filed, a post-hearing brief may be filed in support. The post-hearing brief shall be filed either as part of the same document or in a separate document.

(3) *Reply briefs.* Reply briefs may be filed within 15 days after the date on which the parties' proposed decision is due. Reply briefs must be strictly limited to responding to new matters, issues, or arguments raised in another party's papers. A party who has not filed a proposed decision or a post-hearing brief may not file a reply brief.

(4) *Simultaneous filing required.* Absent a showing of good cause for the use of another procedure, the Administrative Law Judge shall not order the filing by any party of any brief or reply brief in advance of the other party's filing of its brief.

(s) *Recommended decision and filing of record.* Within 45 days after expiration of the time allowed for filing reply briefs, the Administrative Law Judge shall file with and certify to the Secretary or the Secretary's designee the record of the proceeding and the decision. The record must include the Administrative Law Judge's recommended decision, including a determination either that there was no violation by the person named in the prepenalty notice, or that there was a violation by the person named in the prepenalty notice, and the recommended monetary penalty and/or civil forfeiture and/or other disposition available to the Office of Foreign Assets Control. In addition to the proposed decision, the record must include all prehearing and hearing transcripts, exhibits, and rulings, and the motions, briefs, memoranda, and other supporting papers filed in connection with the hearing. The Administrative Law Judge shall have the recommended decision served upon each party.

(t) *Exceptions to the recommended decision.* When the Administrative Law Judge has issued his recommended decision, the Administrative Law Judge or his representative shall contact each party by telephone at the telephone number provided by each party pursuant to § 500.703(b)(1)(iii). Within 3 days of telephoning the parties, the recommended decision shall be mailed by the Administrative Law Judge to the parties. A party may file written

exceptions to the recommended decision with the Secretary or the Secretary's designee within 30 days of the date the telephone call is placed by the Administrative Law Judge or his representative. A supporting brief may be filed at the time the exceptions are filed.

(u) *Final decision.* The final decision of the Secretary or the Secretary's designee shall be based on a review of the proposed decision and the entire record of the proceeding. The final written decision shall be provided to all parties.

§ 500.707 Judicial review.

Any person may seek judicial review as provided under 5 U.S.C. 702 for a penalty and/or forfeiture imposed pursuant to this part.

§ 500.708 Referral to United States Department of Justice; administrative collection measures.

In the event that the respondent does not pay the penalty imposed pursuant to this part within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

PART 505—REGULATIONS PROHIBITING TRANSACTIONS INVOLVING THE SHIPMENT OF CERTAIN MERCHANDISE BETWEEN FOREIGN COUNTRIES

1. The authority citation for part 505 is revised to read as follows:

Authority: 50 U.S.C. App. 1-44; Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748.

2. Section 505.50 is revised to read as follows:

§ 505.50 Penalties.

For provisions relating to civil penalties and civil forfeiture, see subpart G of part 500 of this chapter.

PART 515—CUBAN ASSETS CONTROL REGULATIONS

1. The authority citation for part 515 is revised to read as follows:

Authority: 50 U.S.C. App. 1-44; 22 U.S.C. 6001-6010; 22 U.S.C. 6021-6091; 22 U.S.C. 2370(a); Pub. L. 104-132, 110 Stat. 1214, 1254 (18 U.S.C. 2332d); Pub. L. 101-410, 104 Stat. 890 (28 U.S.C. 2461 note); E.O. 9193, 7 FR 5205, 3 CFR, 1938-1943 Comp., p. 1174; E.O. 9989, 13 FR 4891, 3 CFR, 1943-1948 Comp., p. 748; Proc. 3447, 27 FR 1085, 3

CFR, 1959-1963 Comp., p. 157; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614.

2. Subpart G is revised to read as follows:

Subpart G—Penalties

Secs.

515.701 Penalties.

515.702 Prepenalty notice; contents; service.

515.703 Response to prepenalty notice; right to hearing and prehearing discovery; informal settlement.

515.704 Penalty imposition or withdrawal absent a hearing request.

515.705 Time and opportunity to request a hearing.

515.706 Hearing, discovery, and decision on the record.

515.707 Judicial review.

515.708 Referral to United States Department of Justice; administrative collection measures.

Subpart G—Penalties

§ 515.701 Penalties.

(a) Attention is directed to section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16), as adjusted pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990 (Pub. L. 101-410, as amended, 28 U.S.C. 2461 note), which provides that:

(1) Persons who willfully violate any provision of that act or any license, rule, or regulation issued thereunder, and persons who willfully violate, neglect, or refuse to comply with any order of the President issued in compliance with the provisions of that act shall, upon conviction, be fined not more than \$1,000,000 or, if an individual, be fined not more than \$100,000 or imprisoned for not more than 10 years, or both; and an officer, director, or agent of any corporation who knowingly participates in such violation shall, upon conviction, be fined not more than \$100,000 or imprisoned for not more than 10 years, or both.

(2) Any property, funds, securities, paper, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, concerned in a violation of the act may upon conviction be forfeited to the United States.

(3) The Secretary of the Treasury may impose a civil penalty of not more than \$55,000 per violation on any person who violates any license, order, or regulation issued under that act.

(4) Any property, funds, securities, papers, or other articles or documents, or any vessel, together with its tackle, apparel, furniture, and equipment, that is the subject of a violation subject to a civil penalty issued pursuant to the act shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States Government.

(b) The criminal penalties provided in the Trading with the Enemy Act are subject to increase pursuant to 18 U.S.C. 3571.

(c) Attention is directed to 18 U.S.C. 1001, which provides that whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representation or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined under title 18, United States Code, or imprisoned not more than five years, or both.

§ 515.702 Prepenalty notice; contents; service.

(a) *When required.* If the Director of the Office of Foreign Assets Control has reasonable cause to believe that there has occurred a violation of any provision of this part or a violation of the provisions of any license, ruling, regulation, order, direction or instruction issued by or pursuant to the direction or authorization of the Secretary of the Treasury pursuant to this part or otherwise under the Trading with the Enemy Act, and the Director determines that further proceedings are warranted, he shall issue to the person concerned a notice of his intent to impose a monetary penalty and/or forfeiture. The prepenalty notice may be issued whether or not another agency has taken any action with respect to this matter.

(b) *Contents*—(1) *Facts of violation.* The prepenalty notice shall describe the violation, specify the laws and regulations allegedly violated, and state the amount of the proposed monetary penalty and/or forfeiture.

(2) *Respondent's rights*—(i) *Right to respond.* The prepenalty notice shall also inform the respondent of respondent's right to respond to the notice within 30 days of the mailing or other service of the notice pursuant to paragraph (c) of this section, as to why a monetary penalty and/or forfeiture should not be imposed, or, if imposed, why it should be in a lesser amount than proposed.

(ii) *Right to request a hearing.* The prepenalty notice shall also inform the respondent that, in the response provided for in paragraph (b)(2)(i) of this section, the respondent may also request a hearing conducted pursuant to 5 U.S.C. 554–557 to present the respondent's defenses to the imposition of a penalty and/or forfeiture and to offer any other information that the

respondent believes should be included in the agency record prior to a final determination concerning the imposition of a penalty and/or forfeiture. Untimely response constitutes a waiver of a hearing.

(iii) *Right to request discovery prior to hearing.* The prepenalty notice shall also inform the respondent of the right to discovery prior to a requested hearing. Discovery must be requested in writing in the response provided for in paragraph (b)(2)(i) of this section, jointly with respondent's request for a hearing. Untimely response constitutes a waiver of prehearing discovery.

(c) *Service.* The prepenalty notice, or any amendment or supplement thereto, shall be served upon the respondent. Service shall be presumed completed:

(1) Upon mailing a copy by registered or certified mail, return receipt requested, addressed to the respondent at the respondent's last known address; or

(2) Upon presentment of a date-stamped postal receipt by the Office of Foreign Assets Control with respect to any respondent who has refused, avoided, or in any way attempted to decline delivery, tender, or acceptance of the registered or certified letter or has refused to recover a registered or certified letter served; or

(3) Upon leaving a copy with the respondent or an officer, a managing or general agent, or any other agent authorized by appointment or by law to accept or receive service for the respondent, evidenced by a certificate of service signed by the individual making such service, stating the method of service and the identity of the individual with whom the prepenalty notice was left; or

(4) Upon proof of service on a respondent who is not resident in the United States by any method of service permitted by the law of the jurisdiction in which the respondent resides or is located, provided the requirements of such foreign law satisfy due process requirements under United States law with respect to notice of administrative proceedings, and where applicable laws or intergovernmental agreements or understandings make the methods of service set forth in paragraphs (c)(1) through (3) of this section inappropriate or ineffective for service upon the nonresident respondent.

§ 515.703 Response to prepenalty notice; right to hearing and prehearing discovery; informal settlement.

(a) *Deadline for response.* The respondent shall have 30 days from the date of mailing or other service of the

prepenalty notice pursuant to § 515.702(c) to respond thereto.

(b) *Form and contents of response*—(1) *In general.* The written response need not be in any particular form, but shall contain information sufficient to indicate that it is in response to the prepenalty notice. It should be responsive to the allegations contained therein and set forth the nature of the respondent's defenses.

(i) The response must admit or deny specifically each separate allegation of violation made in the prepenalty notice. If the respondent is without knowledge as to an allegation, the response shall so state, and such statement shall operate as a denial. Failure to deny, controvert, or object to any allegation will be deemed an admission of that allegation.

(ii) The response must also set forth any additional or new matter or arguments the respondent seeks, or shall seek, to use in support of all defenses or claims for mitigation. Any defense or partial defense not specifically set forth in the response shall be deemed waived, and evidence thereon may be refused, except for good cause shown.

(iii) The response must also accurately state, for each respondent, the respondent's full name and address for future service, including current telephone number and area code. Respondents are responsible for providing timely written notice to all interested parties of any subsequent changes in the information provided.

(2) *Request for hearing.* Any request for an administrative hearing and prehearing discovery shall be made in the written response made pursuant to this section and within the 30-day time period specified in § 515.705(a).

(3) *Informal settlement.* In addition or as an alternative to a written response to a prepenalty notice pursuant to this section, the respondent or respondent's representative may contact the Office of Foreign Assets Control as advised in the prepenalty notice to propose the settlement of allegations contained in the prepenalty notice and related matters. In the event of settlement at the prepenalty stage, the prepenalty notice will be withdrawn, the respondent is not required to take a written position on allegations contained in the prepenalty notice, and the Office of Foreign Assets Control will make no final determination as to whether a violation occurred. The amount accepted in settlement of allegations in a prepenalty notice may vary from the civil penalty that might finally be imposed in the event of a formal determination of violation. In the event no settlement is reached, the 30-day period specified in paragraph (a) of this

section for written response to the prepenalty notice remains in effect unless additional time is granted by the Office of Foreign Assets Control. Untimely response constitutes a waiver of a hearing and prehearing discovery.

§ 515.704 Penalty imposition or withdrawal absent a hearing request.

(a) *No violation.* If, after considering any presentations made in response to the prepenalty notice and any relevant facts, the Director determines that there was no violation by the respondent named in the prepenalty notice, the Director promptly shall notify the respondent in writing of that determination and that no civil monetary penalty or civil forfeiture pursuant to this subpart will be imposed.

(b) *Violation.* If, after considering any presentations made in response to the prepenalty notice and any relevant facts, the Director determines that there was a violation by the respondent named in the prepenalty notice, the Director promptly shall issue a written notice of the imposition by the Office of Foreign Assets Control of the civil monetary penalty and/or civil forfeiture and/or other available disposition on that respondent.

(1) The penalty/forfeiture notice shall inform the respondent that payment of the assessed penalty must be made within 30 days of the mailing of the penalty notice.

(2) The penalty/forfeiture notice shall inform the respondent of the requirement to furnish respondent's taxpayer identification number pursuant to 31 U.S.C. 7701 and that the Department intends to use such number for the purposes of collecting and reporting on any delinquent penalty amount in the event of a failure to pay the penalty imposed.

§ 515.705 Time and opportunity to request a hearing.

(a) *Deadline for hearing request.* Within 30 days of the date of mailing or other service of the prepenalty notice pursuant to § 515.702(c), the respondent may file a written request for an agency hearing conducted pursuant to this section, to present the respondent's defenses to the imposition of a penalty and/or forfeiture, and to offer any other information found to be admissible into the agency record prior to a final determination concerning the imposition of a penalty and/or forfeiture.

(b) *Content of written response.* If an agency hearing is requested by the respondent or by the respondent's counsel, the written hearing request

must be accompanied by a written response to the prepenalty notice containing the information required by § 515.703(b)(1)(i) through (iii). An untimely hearing request or written response to the prepenalty notice constitutes a waiver of a hearing.

(c) *Signature of filings.* All hearing requests, motions, responses, interrogatories, requests for deposition transcripts, requests for protective orders, and all other filings relating to requests for and responses to discovery or pertaining to the hearing process, must be signed by each requesting party and, if represented, by each party's counsel.

§ 515.706 Hearing, discovery, and decision on the record.

(a) *Notice of hearing.* (1) Any respondent requesting a hearing shall receive notice of the time and place of the hearing at the service address provided pursuant to § 515.703(b)(1)(iii). Requests to change the time and place of a hearing may be submitted to the Administrative Law Judge, who may modify the original notice or subsequently set hearing dates. All requests for any change in time and place of a hearing must be received in the Administrative Law Judge's chambers and served upon all interested parties no later than 10 working days before the scheduled hearing date.

(2) The hearing shall be conducted in a manner consistent with 5 U.S.C. 554–557, pursuant to section 1710(c) of the Cuban Democracy Act of 1992 (22 U.S.C. 6001–6010), and section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16).

(b) *Powers.* The Administrative Law Judge shall have all powers necessary to conduct the hearing, consistent with 5 U.S.C. 554–557, including the following powers:

(1) To administer oaths and affirmations;

(2) To require production of records or any information relative to any act or transaction subject to this part, including the imposition of sanctions available under Federal Rule of Civil Procedure 37(b)(2) (Fed. R. Civ. P. 37(b)(2), 28 U.S.C.) for a party's failure to comply with discovery requests;

(3) To receive relevant and material evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken as authorized by this part;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold scheduling or prehearing conferences as deemed necessary;

(7) To consider and rule upon all procedural and other motions appropriate in an adjudicatory proceeding, provided that only the Secretary or the Secretary's designee shall have the power to grant any motion to dismiss the proceeding or to decide any other motion that results in a final determination of the merits of the proceeding;

(8) To prepare and present to the Secretary or to the Secretary's designee a recommended decision as provided in paragraph (s) of this section;

(9) To recuse himself on motion made by a party or on the Administrative Law Judge's own motion;

(10) To establish time, place and manner limitations on the attendance of the public and the media for any public hearing;

(11) To perform all necessary or appropriate measures to discharge the duties of an Administrative Law Judge; and

(12) To set fees and expenses for witnesses, including expert witnesses.

(c) *Appearance and practice in a civil penalty hearing—*(1) *Appearance before an Administrative Law Judge by counsel.* Any member in good standing of the bar of the highest court of any state, commonwealth, possession, or territory of the United States, or the District of Columbia may represent respondents upon written request in a civil penalty hearing. A copy of the document appointing the counsel shall be presented to the Administrative Law Judge upon the first appearance of counsel.

(2) *Appearance before an Administrative Law Judge by a non-lawyer.* A respondent may appear on his own behalf; a member of a partnership may represent the partnership; a duly authorized officer, director, or employee of any corporation may represent that corporation in a civil penalty hearing.

(3) *Office of Foreign Assets Control representation.* The Office of Foreign Assets Control shall be represented by the Chief Counsel of the Office of Foreign Assets Control or by the Chief Counsel's designee.

(d) *Conflicts of interest—*(1) *Conflict of interest in representation.* No individual shall appear as counsel for a party in a proceeding conducted pursuant to this subpart if it reasonably appears that such representation may be materially limited by that counsel's responsibilities to a third person, or by counsel's own interests.

(2) *Corrective Measures.* The Administrative Law Judge may take corrective measures at any stage of a proceeding to cure a conflict of interest in representation, including the

issuance of an order limiting the scope of representation or disqualifying an individual from appearing in a representative capacity for the duration of the proceeding.

(e) *Ex parte communications*—(1) *Definition.* The term *ex parte communication* means any material oral or written communication not on the public record concerning the merits of an adjudicatory proceeding with respect to which reasonable prior notice to all parties is not given, on any material matter or proceeding covered by these regulations that takes place between:

(i) A party to the proceeding, a party's counsel, or any other individual; and

(ii) The Administrative Law Judge handling that proceeding, or the Secretary, or the Secretary's designee.

(2) *Exceptions.* (i) A request for the status of the proceeding does not constitute an *ex parte* communication; and

(ii) Settlement inquiries and discussions do not constitute *ex parte* communications.

(3) *Prohibition on ex parte communications.* From the time a respondent requests a hearing until the date that the Secretary or the Secretary's designee issues a final decision, no party, interested person, or counsel therefor shall knowingly make or cause to be made an *ex parte* communication. The Administrative Law Judge, the Secretary, and the Secretary's designee shall not knowingly make or cause to be made to a party, or to any interested person or counsel therefor, any *ex parte* communication.

(4) *Procedure upon occurrence of ex parte communication.* If an *ex parte* communication is received by the Administrative Law Judge, the Administrative Law Judge shall cause all such written communication (or, if the communication is oral, a memorandum stating the substance of the communication) to be placed on the record of the proceeding and served on all parties. All parties to the proceeding shall have an opportunity, within 10 days of the receipt of service of the notice or of receipt of a memorandum of the *ex parte* communication, to file responses thereto and to recommend any sanctions, in accordance with paragraph (e)(5) of this section, appropriate under the circumstances, or may file an interlocutory appeal with the Secretary or the Secretary's designee.

(5) *Sanctions.* Any respondent, respondent's counsel, or other party who makes a prohibited *ex parte* communication, or who encourages or solicits another to make any such communication, may be subject to any

appropriate sanction or sanctions imposed by the Administrative Law Judge for good cause shown, or that may be imposed upon interlocutory appeal taken to the Secretary or the Secretary's designee, including, but not limited to, exclusion from the hearing and an adverse ruling on the issue which is the subject of the prohibited communication.

(f) *Time limits.* Except as provided elsewhere in this subpart, the Administrative Law Judge shall establish all time limits for filings with regard to hearings conducted pursuant to this subpart, except for decisions on interlocutory appeals filed with the Secretary or the Secretary's designee.

(g) *Interlocutory Appeal.* When exceptions, requests for extensions, or motions, including motions for summary disposition, are denied by the Administrative Law Judge, interlocutory appeals may be taken to the Secretary or to the Secretary's designee for a decision.

(1) Interlocutory appeals must be filed no later than 10 working days after the matter being appealed has been decided in writing by the Administrative Law Judge.

(2) Interlocutory appeals must be filed with the Secretary's Office, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, with certified copies served upon the Administrative Law Judge and the Office of Chief Counsel for the Office of Foreign Assets Control.

(h) *Opportunity for settlement.* Any party may, at any time during the hearing, unilaterally submit written offers or proposals for settlement of a proceeding to the Secretary or the Secretary's designee, at the address listed in paragraph (g)(2) of this section. Submission of a written settlement offer does not provide a basis for adjourning or otherwise delaying all or any portion of a hearing. No settlement offer or proposal, or any subsequent negotiation or resolution, is admissible as evidence in any hearing before this tribunal.

(i) *Failure to appear.* The unexcused failure of a respondent to appear in person at a hearing or to have duly authorized counsel appear in respondent's place, constitutes a waiver of the respondent's right to a hearing and is deemed an admission of the violation alleged. Without further proceedings or notice to the respondent, the Administrative Law Judge shall file with the Secretary or the Secretary's designee a recommended decision finding a violation and the amount of penalty as indicated in the prepenalty notice.

(j) *Motions*—(1) *Written motions.* Except as otherwise specifically provided herein, an application or request for an order or ruling must be made by written motion, in typed format.

(i) All written motions must state with particularity the relief sought and must be accompanied by a proposed order.

(ii) No oral argument may be held on written motions unless directed by the Administrative Law Judge. Written memoranda, briefs, affidavits, and other relevant material and documents may be filed in support of or in opposition to a motion.

(2) *Oral motions.* A motion may be made orally on the record unless the Administrative Law Judge directs that such motion be made in writing.

(3) *Filing of motions*—(i) *In general.* Motions must be filed with the Administrative Law Judge, and with the Office of Chief Counsel, Office of Foreign Assets Control, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, with the envelope prominently marked, "Urgent: Annex—Room 3133," unless otherwise directed by the Administrative Law Judge, or agreed to by Chief Counsel.

(ii) *Interlocutory appeals.* Motions related to interlocutory appeals to the Secretary or the Secretary's designee must be sent by fax (fax number: 202/622-1188) and filed with the Secretary, U.S. Treasury Department, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, marked "Attention: OFAC Interlocutory Appeal."

(4) *Responses.* (i) Any interested party may file a written response to a motion within 20 days of the date of mailing, by registered or certified letter service and pursuant to these regulations. If directed by the Administrative Law Judge response time may be shortened or extended. The Administrative Law Judge may allow each party to file a response before finally ruling upon any oral or written motion. The Administrative Law Judge may allow a rejoinder to responses for good cause shown. If a rejoinder is permitted, it must be filed within 15 days of the date the response was filed and served upon all parties.

(ii) The failure of a party to oppose a written motion or an oral motion made on the record is deemed to be consent by that party to the entry of an order substantially in the form of the order accompanying the motion.

(5) *Dilatory motions.* Frivolous, dilatory, or repetitive motions are prohibited. The filing of such motions may form the basis for sanctions.

(k) *Discovery*—(1) *In general.* The availability of information and documents through discovery is subject to the agency's assertion of privileges available to OFAC and/or to the Treasury and to the application of all exemptions afforded the agency pursuant to the Freedom of Information Act (5 U.S.C. 552(b)(1) through (9)) and the Privacy Act (5 U.S.C. 552a) to all facets of discovery, including interrogatories, depositions that seek the release of trade secrets, proprietary materials, third party confidential and/or commercially sensitive material, placement of information, documents and/or materials under seal and/or protective order, and interlocutory appeal to the Secretary or the Secretary's designee from any decision of the Administrative Law Judge.

(2) *Types of discovery.* Parties may obtain discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or other evidence for inspection; and requests for admission. All depositions of federal employees must take place in Washington, DC, at the U.S. Treasury Department or at the location where the federal employee to be deposed performs his duties, whichever the federal employee's supervisor or Chief Counsel shall deem appropriate. All depositions of federal employees shall be held at a mutually agreed upon date and time, and for a mutually agreed upon length of time.

(3) *Interrogatories.* Respondent's interrogatories must be served upon the Chief Counsel within 20 days of respondent's written request for a hearing. Chief Counsel must serve Chief Counsel's interrogatories within 30 days of the receipt of service of respondent's interrogatories or within 30 days of the receipt of respondent's written request for a hearing if no interrogatories are filed by respondent by that time. Parties have 30 days to respond to interrogatories from the date interrogatories are received. Interrogatories shall be limited to 20 questions only. Each subpart, section, or other designation of a part of a question shall be counted as one complete question in computing the permitted 20 question total. Where more than 20 questions are served upon a party, the receiving party may determine which of the 20 questions the receiving party shall answer.

(4) *Scope.* Parties may obtain discovery regarding any matter not privileged, which has material relevance to the merits of the pending action. It is not a ground for objection that the information sought will be inadmissible

at the hearing if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The Administrative Law Judge may make any order which justice requires to ensure that requests are not unreasonable, oppressive, excessive in scope or unduly burdensome, including the issuance of an order to show cause why a particular discovery request is justified upon the motion of the objecting party.

(5) *Privileged matter.* Privileged documents are not discoverable. Privileges include, inter alia, the attorney-client privilege, attorney work-product privilege, any government's or government agency's deliberative-process or classified information privilege, including materials classified pursuant to Executive Order 12958 (3 CFR, 1995 Comp., p. 333) and any future Executive orders that may be issued relating to the treatment of national security information, and all materials and information exempted from release to the public pursuant to the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552(b)(1) through (9)).

(6) *Updating discovery.* Whenever a party receives new or additional information or documentation, all information produced, and all information required to be provided pursuant to the discovery and hearing process, must automatically be updated. The Administrative Law Judge may impose sanctions for failure to update, including prohibiting opposition to claims or defenses raised, striking pleadings or staying proceedings, dismissing the action or any part thereof, rendering a judgment by default, and holding a party in contempt.

(7) *Time limits.* All discovery, including all responses to discovery requests, shall be completed no later than 20 days prior to the date scheduled for the commencement of the hearing. No exceptions to this time limit shall be permitted, unless the Administrative Law Judge finds on the record that good cause exists for waiving the requirements of this paragraph (k)(7).

(l) *Summary disposition*—(1) *In general.* The Administrative Law Judge shall recommend that the Secretary or the Secretary's designee issue a final order granting a motion for summary disposition if the facts of the record show that:

(i) There is no genuine issue as to any material fact; and

(ii) The moving party is entitled to a decision in its favor as a matter of law.

(2) *Filing of motions and responses.* (i) Any party who believes that there is no genuine issue of material fact to be determined and that he or she is entitled to a decision as a matter of law may move at any time for summary disposition in its favor of all or any part of the proceeding. Any party, within 20 days after service of such a motion, or within such time period as allowed by the Administrative Law Judge, may file a response to such motion.

(ii) A motion for summary disposition must be accompanied by a statement of the material facts as to which the moving party contends there is no genuine issue. Such motion must be supported by documentary evidence, which may take the form of admissions in pleadings, stipulations, depositions, transcripts, affidavits, and any other evidentiary materials that the moving party contends support his position. The motion must also be accompanied by a brief containing the points and authorities in support of the moving party's arguments. Any party opposing a motion for summary disposition must file a statement setting forth those material facts as to which he or she contends a genuine dispute exists. Such opposition must be supported by evidence of the same type as that submitted with the motion for summary disposition and a brief containing the points and authorities in support of the contention that summary disposition would be inappropriate.

(3) *Hearing on motion.* At the request of any party or on his own motion, the Administrative Law Judge may hear oral argument on the motion for summary disposition.

(4) *Decision on motion.* Following receipt of a motion for summary disposition and all responses thereto, the Administrative Law Judge shall determine whether the moving party is entitled to summary disposition. If the Administrative Law Judge determines that summary disposition is warranted, the Administrative Law Judge shall submit a recommended decision to that effect to the Secretary. If the Administrative Law Judge finds that no party is entitled to summary disposition, he or she shall make a ruling denying the motion.

(5) *Interlocutory appeal.* Following receipt of the Administrative Law Judge's recommended decision relating to summary disposition, each party has the right to an interlocutory appeal to the Secretary or the Secretary's designee, within 20 days immediately following the Administrative Law Judge's decision.

(m) *Partial summary disposition.* If the Administrative Law Judge

determines that a party is entitled to summary disposition as to certain claims only, the Administrative Law Judge shall defer submission of a recommended decision as to those claims. A hearing on the remaining issues must be ordered and those claims for which the Administrative Law Judge has determined that summary disposition is warranted will be addressed in the recommended decision filed at the conclusion of the hearing.

(n) *Prehearing conferences and submissions*—(1) *Prehearing conferences*. The Administrative Law Judge may, on his own motion, or at the request of any party for good cause shown, direct counsel for the parties to meet with him (in person, by telephone, or by teleconference) at a prehearing conference to address any or all of the following:

(i) Simplification and clarification of the issues;

(ii) Stipulations, admissions of fact, and the contents, authenticity and admissibility into evidence of documents;

(iii) Matters of which official notice may be taken;

(iv) Limitation of the number of witnesses;

(v) Summary disposition of any or all issues;

(vi) Resolution of discovery issues or disputes; and

(vii) Such other matters as may aid in the orderly disposition of the proceeding.

(2) *Prehearing orders*. At, or within a reasonable time following the conclusion of, any prehearing conference, the Administrative Law Judge shall serve on each party an order setting forth any agreements reached and any procedural determinations made.

(3) *Prehearing submissions*. Within 40 days of the receipt of respondent's request for a hearing or at a time set by the Administrative Law Judge, the Office of Foreign Assets Control shall serve on the respondent and upon the Administrative Law Judge, the following:

(i) Stipulations of fact, if any;

(ii) A list of the exhibits to be introduced at the hearing along with a copy of each exhibit; and

(iii) A list of witnesses to be called to testify at the hearing, including name and address of each witness and a short summary of the expected testimony of each witness.

(4) *Deadline for respondent's and other interested parties' submissions*. Unless for good cause shown the Administrative Law Judge permits an extension of time to file, the respondent

and other interested parties shall have 20 days from the date of the submission by the Office of Foreign Assets Control of the items set forth in paragraph (n)(3) of this section, and/or of another interested party's service of items set forth in this paragraph (n)(4), to serve upon the Administrative Law Judge and all parties, the following:

(i) Its response to stipulations of fact, if any;

(ii) A list of the exhibits to be introduced at the hearing along with a copy of each exhibit; and

(iii) A list of witnesses to be called to testify at the hearing, including the name and address of each witness and a short summary of the expected testimony of each witness.

(5) *Effect of failure to comply*. No witness may testify and no exhibits may be introduced at the hearing if such witness or exhibit is not listed in the prehearing submissions pursuant to paragraphs (n)(3) and (n)(4) of this section, except for good cause shown.

(o) *Public hearings*—(1) *In general*. All hearings shall be open to the public, unless the Administrative Law Judge, at his discretion, determines at any time prior to or during the hearing, that holding an open hearing would be contrary to the public interest. Within 20 days of service of the notice, any party may file with the Administrative Law Judge a request for a closed hearing, and any party may file a pleading in reply to such a request. Failure to file a request or a reply is deemed a waiver of any objections regarding whether the hearing will be public or closed.

(2) *Filing document under seal*. (i) The Office of Foreign Assets Control may file any documents or any part of a document under seal if disclosure of the document would be inconsistent with the protection of the public interest or if justice requires protection of any person, including a source or a party, from annoyance, threat, oppression, or undue burden or expense, or the disclosure of the information would be, or might reasonably lead to a disclosure, contrary to Executive Order 12958 or other Executive orders concerning disclosure of information, U.S. Treasury Department regulations, the Privacy Act, or the Freedom of Information Act.

(ii) The Administrative Law Judge shall also safeguard the security and integrity of any documents under seal and shall take all appropriate steps to preserve the confidentiality of such documents or any parts thereof, including closing portions of the hearing to the public. Release of any information under seal, in any form, or in any manner, is subject to the same

sanctions and the exercise of the same authorities provided with respect to ex parte communications under paragraph (e)(5) of this section.

(iii) Should the Administrative Law Judge deny placement of any documents under seal or under protective order, any interested party, and any person whose documents or materials are at issue, may file an interlocutory appeal to the Secretary or the Secretary's designee. In such cases the Administrative Law Judge must not release or expose any of the records or documents in question to the public or to any other parties for a period of 20 days from the date of the Administrative Law Judge's ruling, in order to permit a petitioner the opportunity to either withdraw the records and documents or to file an interlocutory appeal with the Secretary or the Secretary's designee requesting an order that the records be placed under seal.

(iv) Upon settlement, final decision, or motion to the Administrative Law Judge for good cause shown, all materials (including all copies) under seal or protective order shall be returned to the respective parties, except when it may be necessary to retain a record until the judicial process is completed.

(v) Written notice of all requests for release of protected documents or materials shall be given to all interested parties registered with the Administrative Law Judge at least 20 days prior to any permitted release and prior to any access not specifically authorized under the protective order. A copy of all requests for information, including the name, address, and telephone number of the requester, shall be provided to the petitioner. Each request for access to protected material must also provide the names, addresses, and telephone numbers of all persons represented by the requester, including those on whose behalf the requester seeks access to protected information. The Administrative Law Judge shall impose sanctions provided under paragraphs (e)(4) and (5) of this section for failure to provide this information.

(p) *Conduct of hearings*—(1) *In general*—(i) *Overview*. Hearings shall be conducted to provide a fair and expeditious presentation of the relevant disputed issues and facts. Each party has the right to present its case or defense by oral and documentary evidence and to conduct such cross examination as may be required for full disclosure of the relevant facts.

(ii) *Order of hearing*. The Office of Foreign Assets Control shall present its case—in-chief first, unless otherwise ordered in advance by the Administrative Law Judge or otherwise

expressly specified by law or regulation. The Office of Foreign Assets Control shall be the first party to present an opening statement and a closing statement and may make a rebuttal statement after the respondent's closing statement.

(iii) *Stipulations.* Unless the Administrative Law Judge directs otherwise, all stipulations of fact and law previously agreed upon by the parties, and all documents, the admissibility of which has been previously stipulated, will be admitted into evidence upon commencement of the hearing.

(2) *Transcript.* A record of the hearing shall be made by manual or electronic means, including through the use of audio recorded diskettes or audio-visual cassettes, and transcribed unless the Administrative Law Judge rules otherwise. The transcript shall be made available to any party upon payment of the cost thereof. The Administrative Law Judge shall have authority to order the record corrected, either upon a motion to correct, upon a motion to stipulate by the parties for good cause shown, or following notice to the parties upon the Administrative Law Judge's own motion. The Administrative Law Judge shall serve notice upon all parties, at the addresses provided by the parties pursuant to § 515.703(b)(1)(iii), that the certified transcript, together with all hearing exhibits and exhibits introduced but not admitted into evidence at the hearing, has been filed with the Administrative Law Judge.

(q) *Evidence—(1) Admissibility.* (i) Except as is otherwise set forth in this section, evidence that is relevant and material is admissible to the fullest extent authorized by the Administrative Procedure Act and other applicable law.

(ii) Evidence may be excluded if it is misleading or its probative value is substantially outweighed by the danger of unfair prejudice or confusion of the issues, considerations of undue delay or waste of time, or of needless presentation of cumulative evidence.

(iii) Evidence that would be inadmissible under the Federal Rules of Evidence need not be deemed or ruled to be inadmissible in a proceeding conducted pursuant to this subpart if such evidence is relevant and material, and not unduly repetitive.

(2) *Official notice.* (i) Official notice may be taken of any material fact which may be judicially noticed by a United States district court.

(ii) All matters officially noticed by the Administrative Law Judge shall appear on the record.

(iii) If official notice is requested or taken of any material fact, the parties,

upon timely request, shall be afforded an opportunity to object.

(3) *Duplicate copies.* A duplicate copy of a document is admissible to the same extent as the original, unless a genuine issue is raised as to whether the copy is in some material respect not a true and legible copy of the original.

(4) *Admissibility of evidence.* Objections to the admissibility of evidence must be timely made and rulings on all objections must appear on the record. Failure to object to admission of evidence or to any ruling constitutes a waiver of the objection.

(5) *Rejected exhibits.* The Administrative Law Judge shall retain rejected exhibits, adequately marked for identification, in the event of an interlocutory appeal.

(6) *Stipulations.* The parties may stipulate as to any relevant matters of fact or to the authenticity of any relevant documents. Such stipulations may be received into evidence at a hearing and are binding on the parties with respect to the matters therein stipulated.

(7) *Depositions of unavailable witnesses.* If a witness is unavailable to testify at a hearing, and that witness has testified in a deposition within the United States to which all parties to the proceeding have received timely notice and an opportunity to participate, a party may offer as evidence all or any part of the transcript of the deposition, including deposition exhibits. All costs of depositions shall be borne by the party requesting the deposition.

(r) *Proposed decision and supporting briefs—(1) Proposed decisions.* Any party may file with the Administrative Law Judge a proposed decision within 30 days after the parties have received notice that the transcript has been filed with the Administrative Law Judge, unless otherwise ordered by the Administrative Law Judge.

(2) *Reliance on relevant authorities.* The proposed decision must be supported by citation to relevant authorities and by transcript page references to any relevant portions of the record. At the same time the proposed decision is filed, a post-hearing brief may be filed in support. The post-hearing brief shall be filed either as part of the same document or in a separate document.

(3) *Reply briefs.* Reply briefs may be filed within 15 days after the date on which the parties' proposed decision is due. Reply briefs must be strictly limited to responding to new matters, issues, or arguments raised in another party's papers. A party who has not filed a proposed decision or a post-hearing brief may not file a reply brief.

(4) *Simultaneous filing required.* Absent a showing of good cause for the use of another procedure, the Administrative Law Judge shall not order the filing by any party of any brief or reply brief in advance of the other party's filing of its brief.

(s) *Recommended decision and filing of record.* Within 45 days after expiration of the time allowed for filing reply briefs, the Administrative Law Judge shall file with and certify to the Secretary or the Secretary's designee the record of the proceeding and the decision. The record must include the Administrative Law Judge's recommended decision, including a determination either that there was no violation by the person named in the prepenalty notice, or that there was a violation by the person named in the prepenalty notice, and the recommended monetary penalty and/or civil forfeiture and/or other disposition available to the Office of Foreign Assets Control. In addition to the proposed decision, the record must include all prehearing and hearing transcripts, exhibits, and rulings, and the motions, briefs, memoranda, and other supporting papers filed in connection with the hearing. The Administrative Law Judge shall have the recommended decision served upon each party.

(t) *Exceptions to the recommended decision.* When the Administrative Law Judge has issued his recommended decision, the Administrative Law Judge or his representative shall contact each party by telephone at the telephone number provided by each party pursuant to § 515.703(b)(1)(iii). Within 3 days of telephoning the parties, the recommended decision shall be mailed by the Administrative Law Judge to the parties. A party may file written exceptions to the recommended decision with the Secretary or the Secretary's designee within 30 days of the date the telephone call is placed by the Administrative Law Judge or his representative. A supporting brief may be filed at the time the exceptions are filed.

(u) *Final decision.* The final decision of the Secretary or the Secretary's designee shall be based on a review of the proposed decision and the entire record of the proceeding. The final written decision shall be provided to all parties.

§ 515.707 Judicial review.

Any person may seek judicial review as provided under 5 U.S.C. 702 for a penalty and/or forfeiture imposed pursuant to this part.

§ 515.708 Referral to United States Department of Justice; administrative collection measures.

In the event that the respondent does not pay the penalty imposed pursuant to this part within 30 days of the mailing of the written notice of the imposition of the penalty, the matter may be referred for administrative collection measures or to the United States Department of Justice for appropriate action to recover the penalty in a civil suit in a Federal district court.

Dated: December 23, 1996.

R. Richard Newcomb,
Director, Office of Foreign Assets Control.

Approved: December 31, 1996.

James E. Johnson,
Assistant Secretary (Enforcement).

[FR Doc. 97-3537 Filed 2-13-97; 8:45 am]

BILLING CODE 4810-25-F

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400, 3410, 3420, 3440, 3450, 3460, 3470, and 3480

[WO-320-1320-02-1A]

RIN 1004-AC37

Federal Coal Management Program Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Bureau of Land Management (BLM) is withdrawing the proposed rule to amend the Federal Coal Management Program regulations. The proposal was published in the Federal Register on July 12, 1991. BLM is taking this action because we plan to issue a new proposal for public comment. We will write the new proposal in plain, understandable language as required by Executive Order 12866 and the President's regulatory reform initiative. This action will also give commenters on the 1991 proposal an opportunity to update their concerns.

FOR FURTHER INFORMATION CONTACT: William Radden-Lesage, Mining Engineer, Solid Minerals Group (WO-320), Bureau of Land Management, Mail Stop 501LS, 1849 "C" Street, N.W., Washington, DC 20240; telephone (202) 452-0350 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: On July 12, 1991, BLM published a proposed rule to amend the Federal Coal Management Program regulations. See 56 FR 32002-32048. We intended the proposed changes in part to simplify

and streamline the existing regulations. The initial comment period was to close on September 12, 1991, but we extended it at the request of commenters an additional 30 days, closing on October 12, 1991.

Shortly thereafter, the General Accounting Office began an investigation of the Federal coal leasing program that culminated in the issuance of a report, entitled "Mineral Resources: Federal Coal-Leasing Program Needs Strengthening" (GAO/RCED-94-10). We responded to the report by issuing a proposed rule to amend the regulations pertaining to logical mining units (59 FR 66874, Dec. 28, 1994). This 1994 proposal affected portions of the coal management regulations that had been proposed for reorganization, but not substantive change, under the 1991 proposal. We will soon complete work on the logical mining unit regulations and publish a final rule.

In the meantime, the President issued Executive Order 12866 which requires each agency to put all information provided to the public in plain, understandable language. See 58 FR 51736, Oct. 4, 1993. Further, in his February 21, 1995, message on regulatory reform, the President directed agencies to carry out a review of their regulations to reduce the regulatory burden on the American people. Therefore, we have decided to withdraw the 1991 proposal. We plan to issue a new proposal for public comment in the near future. This action will also give commenters on the 1991 proposal a chance to update any concerns or suggestions which they may have regarding BLM's coal management regulations based on changes in the coal industry since 1991.

Dated: February 5, 1997.

Bob Armstrong,
Assistant Secretary, Land and Minerals Management.

[FR Doc. 97-3699 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-84-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7199]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the

proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Frederick H. Sharrocks, Jr., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646-2796.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act
 The Executive Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the National Flood Insurance Program. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification
 This proposed rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of

September 30, 1993, Regulatory Planning and Review, 58 FR 51735.
 Executive Order 12612, Federalism
 This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.
 Executive Order 12778, Civil Justice Reform
 This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.
 List of Subjects in 44 CFR Part 67
 Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:
PART 67—[AMENDED]
 1. The authority citation for part 67 continues to read as follows:
 Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.
§ 67.4 [Amended]
 2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Alabama	Huntsville (City) Madison County.	Aldridge Creek	At confluence with Tennessee River	None	*576
		Big Cove Creek	Just downstream of Drake Avenue	None	*679
			Downstream side of Dug Hill Road	*600	*601
			Approximately 0.75 mile upstream of confluence with Flint River.	None	*654
		Bradford Creek	At confluence with Barren Fork Creek	None	*570
			At I-565	615	*616
		Dry Creek 1	Approximately 800 feet upstream of confluence with Brogman Branch.	667	*666
			Approximately 1,425 feet upstream of Mastin Lake Road.	None	*747
		Dry Creek 2	Approximately 1,250 feet downstream of Indian Creek Road.	None	*671
			Approximately 1.03 miles upstream of Pulaksi Pike.	None	*818
		Tributary 1 to Dry Creek 2	At confluence with Dry Creek	None	*704
			Approximately 2,100 feet upstream of Rideout Road.	None	*746
		Tributary 2 to Dry Creek 2	At Nick Fitchard Road	None	*736
			Approximately 1.2 miles downstream of Garner Road.	None	*769
		Tributary 3 to Dry Creek 2	At downstream side of Bob Wade Lane ..	None	*761
			Approximately 1.4 miles upstream of Bob Wade Lane.	None	*780
		Tributary 4 to Dry Creek 2	At confluence with Dry Creek 2	None	*771
			Approximately 2,000 feet upstream of Pulaski Pike.	None	*789
		Fagan Creek	At confluence with Huntsville Spring Branch.	*609	*610
			Approximately 0.65 mile upstream of Tel-Fair Road.	None	*715
Indian Creek	At State Route 20	None	*613		
	Approximately 0.95 mile downstream of Old Monrovia Road.	None	*685		
Tributary 1 to Indian Creek.	Approximately 750 feet upstream of confluence with Indian Creek.	None	*618		
	Approximately 50 feet upstream of railroad.	None	*634		
Tributary 2 to Indian Creek.	At confluence with Indian Creek	None	*673		
	Approximately 1,000 feet upstream of confluence with Indian Creek.	None	*675		
Tributary 3 to Indian Creek.	Approximately 250 feet downstream of Jeff Road.	None	*715		
	Approximately 500 feet downstream of U.S. Route 72.	None	*756		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Knox Creek	Approximately 3,000 feet downstream of Balch Road.	None	*692
		Tributary to Knox Creek ...	At confluence of Tributary to Knox Creek	None	*738
			At Capshaw Road	None	*738
		Limestone Creek	At State Route 20	None	*752
			At railroad	None	*573
		Miller Branch	Approximately 2 miles upstream of Wall-Triana Highway.	None	*585
			Approximately 2.04 miles upstream of Wall-Triana Highway.	None	*573
		Mountain Brook Branch	At confluence with Fagan Creek	None	*647
			Approximately 1,040 feet upstream of Darnell Street.	None	*703
		Beverdam Creek 2	Approximately 200 feet upstream of State Route 20.	None	*570
			At Old Route 20	None	*572
		Betts Spring Branch	At confluence with Barren Fork	None	*570
			Just upstream of Lady Ann Lake Dam	*576	577
		Chase Creek	At confluence with Flint River	None	*660
			Approximately 0.5 mile upstream of Old Gurley Road.	None	*732
		Flint River	Approximately 300 feet downstream of confluence of Chase Creek.	None	*660
			Approximately 1.8 miles upstream of confluence of Chase Creek.	None	*665
		Lady Ann Lake	Entire reach within community	*576	*577
		Peevey Creek	Approximately 0.6 mile upstream of confluence with Robinson Mill Creek.	None	*608
			At Little Cove Road	None	*626
		Piney Creek	At Joe Wheeler Highway	None	*564
			At Roberts Road	None	*571
		Tennessee River	Approximately 0.6 mile upstream of confluence of Unnamed Tributary to Tennessee River.	None	*575
			Approximately 2.5 miles downstream of confluence of Flint River.	None	*577
		Withers Spring Branch	Approximately 1,200 feet downstream of Airport Road.	None	*567
			Approximately 0.48 mile upstream of Old Route 20.	None	*661
		McDonald Creek	Just upstream of Patton Road	None	*588
			Approximately 1,500 feet downstream of confluence of Unnamed.	None	*620
			Tributary to McDonald Creek .....	.....	.....
		Blue Spring Creek	Upstream of Leland Drive	None	*702
			Downstream of Pulaski Pike	None	*750

Maps available for inspection at the Huntsville City Hall, 320 Fountain Circle, Huntsville, Alabama.

Send comments to The Honorable Steve Hettinger, Mayor of the City of Huntsville, P.O. Box 308, Huntsville, Alabama 35804.

Alabama	Madison (City) Madison County.	Unnamed	At State Route 20 bridge	None	*643
		Tributary to Betts Spring Branch.	Approximately 1,350 feet upstream of Walton Street.	None	*735
		Bradford Creek	At I-565 bridge	None	*616
			Approximately 1,425 feet upstream of Palmer Road.	None	*646
		Tributary 1 to Indian Creek.	Approximately 750 feet upstream of railroad.	None	*639
			Approximately 750 feet upstream of Cherry Drive.	None	*712
		Mill Creek	At confluence with Bradford Creek	None	*641
			Approximately 50 feet upstream of Gillespie Road.	None	*736
		Bradford-Sullivan	At confluence with Bradford Creek	*615	*618
		Ditch	Just upstream of Westchester Road	*618	*619
		Lady Ann Lake	Entire reach within community	None	*577
		Tributary 3 to Indian Creek.	At point approximately 160 feet upstream of U.S. Route 72.	None	*762

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified

Map available for inspection at the Madison City Hall, 100 Hughes Road, Alabama.

Send comments to The Honorable Charles Yancura, Mayor of the City of Madison, 100 Hughes Raod, Madison, Alabama 35758.

Alabama	Madison County (Unincorporated Areas).	Aldridge Creek	At confluence with Tennessee River	None	*576
			Approximately 0.52 miles upstream of railroad bridge.	None	*576
		Big Cove Creek	Approximately 0.75 miles upstream of confluence with Flint River.	*600	*601
			At Dug Hill Road	None	*654
		Bradford Creek	At confluence with Barren Fork Creek	None	*570
			Approximately 2,000 feet downstream of Palmer Road.	None	*641
		Brier Fork Flint River	At confluence with Flint River	None	*672
			At confluence of Unnamed Tributary to Brier Fork Flint River.	None	*742
		Unnamed Tributary to Brier.	At confluence with Brier Fork Flint River	None	*742
		Fork Flint River	At upstream crossing of U.S. Route 431	None	*789
		Chase Creek	At confluence with Flint River	None	*661
			Approximately 650 feet upstream of Old Gurley road.	None	*721
		Beaverdam Creek 1	At confluence with Brier Fork Flint River	*703	*701
			At Mount Lebanon Road	None	*755
		Dry Creek 2	At upstream side of Old Monrovia Road ..	None	*691
			At confluence of Tributary 4 to Dry Creek 2.	None	*770
		Tributary 1 to	At confluence with Dry Creek 2	None	*705
		Dry Creek 2	Approximately 2,300 feet upstream of Rideout Road.	None	*748
		Tributary 2 to Dry Creek 2	At confluence of Dry Creek 2	None	*730
			Approximately 20 feet downstream of Garner Road.	None	*782
		Tributary 3 to Dry Creek 2	At confluence of Dry Creek 2	None	*759
			At downstream side of Bob Wade Lane ..	None	*761
		Tributary 4 to Dry Creek 2	At confluence with Dry Creek 2	None	*771
			Approximately 500 feet upstream of confluence with Dry Creek 2.	None	*773
		Flint River	At confluence with Tennessee River	None	*578
			Approximately 265 feet upstream of confluence of Brier Fork Flint River.	None	*672
		Indian Creek	At State Route 20	None	*613
			At upstream side of Old Monrovia Road ..	None	*701
		Tributary 1 to Indian Creek.	At confluence with Indian Creek	None	*616
			Approximately 750 feet upstream of railroad.	None	*639
		Tributary 2 to Indian Creek.	Approximately 1,000 feet upstream of confluence with Indian Creek.	None	*675
	Approximately 3,150 feet upstream of confluence with Indian Creek.	None	*700		
Tributary 3 to	At confluence with Indian Creek	None	*699		
Indian Creek	Approximately 160 feet upstream of U.S. Route 72.	None	*762		
Knox Creek	At County Line Road	None	*679		
	Approximately 1,550 feet downstream of confluence of Tributary to Knox Creek.	None	*734		
Mill Creek	Approximately 3,100 feet upstream of Browns Ferry Road.	None	*676		
	Approximately 250 feet downstream of Angela Drive.	None	*731		
Peevey Creek	At confluence with Robinson Mill Creek ..	None	*607		
	Approximately 0.4 mile upstream of Little Cove Road.	None	*635		
Tennessee River	At Limestone/Madison County boundary	None	*567		
	At confluence of Paint Rock River	None	*579		
Unnamed	At confluence with Tennessee River	None	*575		
Tributary to Tennessee River.	At Sockwell Drive	None	*575		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Yellow Bank Creek	At confluence with Flint River	*581	*580
			At Oak Grove Road	581	*580
		Tributary to Knox Creek ...	Approximately 900 feet upstream of confluence with Knox Creek.	None	*740
		Miller Branch	At upstream side of Wall-Triana Highway	None	*743
			At Wall-Triana Highway	None	*570
			Approximately 2 miles upstream of Wall-Triana Highway.	None	*573
		Betts Spring Branch	At confluence with Barren Fork Creek	None	*570
			Approximately 0.7 mile upstream of Martin Road.	None	*576
		McDonald Creek	Just upstream of Patton Road	None	*588
			Approximately 1,500 feet downstream of confluence of Unnamed Tributary to McDonald Creek.	None	*620
		Tennessee River (back-water area).	At a point approximately 1.1 miles southwest of the intersection of Martin Road and U.S. Route 231.	.....	.....

Maps available for inspection at the Madison County Engineering Building, 814 Cook Avenue, Huntsville, Alabama.

Send comments to Mr. Mike Gillespie, Chairman of the Madison County Commission, Madison County Courthouse, 100 Northside Square, Huntsville, Alabama 35801-4820.

Alabama	New Hope (City) Madison County	Yellow Bank	At Oak Grove Road	*581	*580
		Creek	Approximately 0.57 mile upstream of West Carpenter Road.	None	*592
		Triubutary to Yellow Bank Creek.	At confluence with Yellow Bank Creek	None	*580
			Approximately 1,180 feet upstream of Maple Road.	None	*588

Maps available for inspection at the New Hope City Hall, 5415 Main Drive, New Hope, Alabama.

Send comments to The Honorable Billy G. Jones, Mayor of the City of New Hope, P.O. Box 419, New Hope, Alabama 35760.

Alabama	Owens Cross Roads (Town). Madison County	Yellow Bank Creek	Approximately 3,500 feet downstream of New Hobbs Island Road.	None	*580
			Approximately 1,100 feet downstream of New Hobbs Island Road.	None	*580

Maps available for inspection at the Owens Cross Roads Town Hall, 2965 Old Highway 431, Owens Cross Roads, Alabama.

Send comments to The Honorable Curtis Craig, Mayor of the Town of Owens Cross Roads, P.O. Box 158, Owens Cross Roads, Alabama 35763.

Alabama	Triana (Town) Madison County.	Tennessee River	At Record Street	None	*569
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Maps available for inspection at the Triana Town Hall, 640 Sixth Street, Triana, Alabama.

Send comments to The Honorable Wanda A. Jorden, Mayor of the Town of Triana, Town Hall, 640 Sixth Street, Triana, Alabama 35758.

Connecticut	East Haven (Town) New Haven County.	Tuttle Brook	Approximately 1,720 feet upstream of Dodge Avenue.	*12	*11
			Approximately 110 feet upstream of I-95	*17	*18

Maps available for inspection at the Town Hall, 250 Main Street, East Haven, Connecticut.

Send comments to The Honorable Henry J. Luzzi, Mayor of the Town of East Haven, 250 Main Street, East Haven, Connecticut 06512.

Connecticut	Cromwell (Town) Middlesex County.	Mattabassett River	At upstream side of the most downstream crossing of State Route 72.	*24	*23
			At downstream side of the most upstream crossing of State Route 72.	*25	*24
		Coles Road Brook	At the confluence with Mattabassett River	*24	*23
			Just downstream of State Route 72	*25	*24
		Willow Brook	At the confluence with the Mattabassett River.	*24	*23
			Approximately 50 feet upstream of State Route 72.	*25	*24

Maps available for inspection at Cromwell Town Hall, Department of Public Works, 41 West Street, Cromwell, Connecticut.

Send comments to Mr. Ryk Nelson, First Selectman of the Town of Cromwell, 41 West Street, Cromwell, Connecticut 06416.

Connecticut	Plymouth (Town) Litchfield County.	Pequabuck River	Approximately 50 feet upstream of U.S. Route 6 and 202/East Main Street.	*588	*587
			Just upstream of Preston Road	*739	*736

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Tributary A to Pequabuck River.	At confluence with Pequabuck River Approximately 80 feet upstream of Preston Road.	None None	*696 746
		Poland River	At confluence with Pequabuck River Approximately 1,000 feet upstream of confluence with Pequabuck River.	*589 *589	*590 *590

Maps available for inspection at the Plymouth Town Hall, 80 Main Street, Terryville, Connecticut.

Send comments to The Honorable David Denis, Mayor of the Town of Plymouth, 80 Main Street, Terryville, Connecticut 06786.

Connecticut	Southington (Town) Hartford County.	Quinnipiac River	Downstream side of Hart Street	*151	*150
			Downstream side of Interstate 84	*161	*162
		Spring Lake	Confluence with Quinnipiac River	*156	*154
		Brook	Approximately 360 feet upstream of Darling Drive.	*159	*158
		Quinnipiac River	Upstream side of Chapman Street	*152	*153
		Diversion Channel	At the divergence from the Quinnipiac River.	*156	*154

Maps available for inspection at the Southington Town Hall, 75 Main Street, Southington, Connecticut.

Send comments to Mr. John Weichsel, Town Manager, Southington Town Hall, P.O. Box 610, 75 Main Street, Southington, Connecticut 06489.

Connecticut	Trumbull (Town) Fairfield County.	Tributary G	At a point approximately 35 feet upstream of the confluence with Pequonnock River.	*237	*238
			Approximately 2,360 feet upstream of Newtown Turnpike.	*387	*388
		Tributary H	At confluence with Tributary G	*361	*366
			Approximately 815 feet upstream of confluence with Tributary G.	*365	*366

Maps available for inspection at the Engineering Department, Trumbull Town Hall, 5866 Main Street, Trumbull, Connecticut.

Send comments to Mr. David Wilson, First Selectman for the Town of Trumbull, 5866 Main Street, Trumbull Town Hall, Trumbull, Connecticut 06611.

Florida	Broward County (Unincorporated Areas).	Atlantic Ocean	Approximately 500 feet east of the intersection of S.E. 19th Street and South Ocean Boulevard.	*17	*13
			Approximately 100 feet west of intersection of South Ocean Boulevard and Terra Mar Drive.	*8	*6

Maps available for inspection at the Department of Natural Resource Protection, Water Resources Division, 218 S.W. 1st Avenue, 2nd Floor, Ft. Lauderdale, Florida.

Send comments to Mr. Jack B. Osterholt, Broward County Administrator, 115 South Andrews Avenue, Governmental Center, Room 409, Ft. Lauderdale, Florida 33301.

Florida	Century (City) Escambia County.	Escambia River	Approximately 3.0 miles downstream of State Route 4.	None	*56
			At State Route 4	None	*59

Maps available for inspection at the Century Town Hall, 7995 North Century Boulevard, Century, Florida.

Send comments to The Honorable Vinnie Barnes, Mayor of the City of Century, P.O. Drawer 790, Century, Florida 32535.

Florida	Escambia County (Unincorporated Areas).	Bayou Grande	Approximately 2,000 feet downstream of Blue Angel Parkway.	*7	*8
			Approximately 150 feet upstream of Etheridge Road.	None	*19
		Bayou Marcus	Approximately 800 feet downstream of Blue Angel Parkway.	*7	*11
			Approximately 100 feet upstream of Interstate 10.	None	*98
		Tributary to Bayou Marcus	At confluence with Bayou Marcus	*6	*13
		Approximately 1 mile upstream of Lillian Highway.	None	*21	
		Bridge Creek	Approximately 1,800 feet upstream of U.S. Highway 98.	*6	*7

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Tributary to Bridge Creek	Approximately 200 feet upstream of Blue Angel Parkway. Approximately 650 feet upstream of confluence with Bridge Creek.	None *6	*33 *7
		Eightmile Creek	Approximately 0.7 mile upstream of Little Bridge Creek Drive. Approximately 1 mile downstream of Klondike Road.	None *16	*19 *20
		Escambia River	At Fowler Avenue	None	*104
			At confluence with Pine Barren Creek	*31	*30
		Elevenmile Creek	Approximately 400 feet upstream of State Road 4.	None	*59
			Approximately 0.8 mile downstream of confluence with Hurst Branch.	*7	*8
		Garcon Swamp	At Kingsfield Road	None	*68
			Approximately 400 feet upstream of Sorrento Road.	*5	*6
		Jones Creek	At Blue Angel Parkway	None	*21
			At Navy Boulevard	None	*6
		Pine Barren Creek	Approximately 1.6 miles upstream of Fairfield Drive.	None	*25
			At the confluence with Escambia River ...	*31	*30
		Weekly Bayou	Approximately 50 feet upstream of Wiggins Bridge.	*56	*55
			Approximately 700 feet upstream of Bauer Road.	*4	*6
		Tributary to Weekly Bayou	Approximately 1.7 miles upstream of Bauer Road.	None	*21
			At confluence with Weekly Bayou	None	*15
		Old River	Approximately 1.1 miles upstream of confluence with Weekly Bayou.	None	*22
			Approximately 1.2 miles southwest from the intersection of Perdido Key Drive and Sharp Reef Road.	#1	*14
		Shallow Flooding	Upstream of Bayou Grande: Between Etheridge and Bauer Roads.	None	*19
			Upstream of Jones Creek: Between a point approximately 1.6 miles upstream of State Route 289A to approximately 1,600 feet upstream.	None	*24
			Upstream of Bridge Creek: Between approximately 200 feet upstream of Blue Angel Parkway and State Route 289A.	None	*33
			Upstream of Tributary to Bayou Marcus: From a point approximately 1.1 miles upstream of Lillian Highway to Blue Angel Parkway.	None	*22

Maps available for inspection at the Escambia County Public Works Department, 1190 West Leonard, Pensacola, Florida.

Send comments to Mr. Thomas G. Banjanin, Chairman of the Escambia County Board of Commissioners, 223 Palafox Place, Pensacola, Florida 32501.

Florida	Deerfield Beach (City). Broward County	Atlantic Ocean	At intersection of N.E. 4th Court and N.E. 21st Avenue. Approximately 100 feet east of the intersection of 21st Avenue and S.E. 9th Street.	None *18	*10 *13
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Maps available for inspection at the Deerfield Beach City Hall, Engineering Department, 150 Northeast 2nd Avenue, Deerfield Beach, Florida.

Send comments to The Honorable Albert Capellini, Mayor of the City of Deerfield Beach, Deerfield Beach City Hall, 150 Northeast 2nd Avenue, Deerfield Beach, Florida 33441.

Florida	Hillsboro Beach (Town). Broward County	Atlantic Ocean	Approximately 800 feet east of the intersection of N.E. 31st and N.E. 39th Street. Approximately 800 feet northeast of the intersection of State Route A1A and Riverside Drive.	*20 None	*13 *6
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Hillsboro Beach City Hall, 1210 Hillsboro Mile, Hillsboro Beach, Florida.

Send comments to The Honorable Howard Sussman, Mayor of the Town of Hillsboro Beach, 1210 Hillsboro Mile, Hillsboro Beach, Florida 33062.

Florida	Leon County (Unincorporated Areas).	Alford Arm Tributary	Approximately 0.91 mile downstream of State Route 158 (Buck Lake Road).	None	*51
			Downstream face of Centerville Road	*81	*82
		Bradford Brook	Confluence with Cascade Lake	*38	*39
			Just Downstream of Aeon Church Road	*48	*49
		Fords Arm Tributary	Upstream face of Meridian Road	None	*110
			Approximately 1,250 feet upstream of Trillium Court.	None	*156
		Gum Creek	Just downstream of Blounstown Highway	None	*60
			At confluence of West Branch Gum Creek and North Branch Gum Creek.	*58	*60
		Lake Overstreet Drain	Upstream face of Meridian Road	None	*98
			Approximately 1,900 feet upstream of Bobbin Brook West.	None	*125
		Munson Slough	Approximately 1,600 feet downstream of State Route 260 (Oakridge Road).	*21	*22
			At Lake Bradford Road	*38	*40
		North Branch Gum Creek	At confluence with Gum Creek	*58	*60
			Just upstream of Gum Creek Road	*59	*60
		West Branch Gum Creek	At confluence with Gum Creek	*58	*60
			Just upstream of CSX Transportation	*59	*60
		West Drainage Ditch	Approximately 0.3 mile upstream of Yulee Street.	*56	*58
			Approximately 50 feet upstream of Pensacola Street.	*57	*59
Lake Cascade	Entire shoreline within the community	*38	*39		
Lake Bradford	Entire shoreline within the community	*38	*39		
Lake Lafayette-Alford Arm	Downstream of CSX Transportation crossing (Lake Lafayette, Piney Z Lake).	None	*51		
Ochlockonee River	At Jackson Bluff Dam	None	*72		
	Approximately 600 feet downstream of Interstate 10.	None	*81		
East Drainage Ditch	At confluence with Munson Slough	*38	*40		
	Approximately 650 feet upstream of the confluence with Munson Slough.	*39	*40		
Meginnis Arm Tributary	Approximately 350 feet upstream of Lakeshore Drive.	*98	*104		
	Approximately 1,600 feet upstream of Lakeshore Drive.	*104	*105		

Maps available for inspection at the Leon County Public Works Department, Leon County Courthouse, Room 201, Tallahassee, Florida.

Send comments to Mr. Parwez Alam, Leon County Administrator, 301 South Monroe Street, Tallahassee, Florida 32301.

Florida	Pensacola Beach—Santa Rosa Island Authority. Escambia County.	Gulf of Mexico	At the intersection of Bulevar Mayor and Ensenada Siete.	*10	*11
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Maps available for inspection at the Santa Rosa Island Authority, 1 Viva De Luna, Pensacola Beach, Florida.

Send comments to Mr. Monte Blews, General Manager of the Pensacola Beach—Santa Rosa Island Authority, P.O. Drawer 1208, Pensacola Beach, Florida 32562.

Florida	Pompano Beach	Atlantic Ocean	Approximately 200 feet northwest of the intersection of South Ocean Boulevard and Terra Mar Drive.	*8	*6
	Broward County		Approximately 400 feet east of the intersection of N.E. 12th Street and South Ocean Boulevard.	*14	*13

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the Pompano Beach City hall, Building Department—3rd Floor West Wing, 100 West Atlantic Boulevard, Pompano Beach, Florida.

Send comments to Mr. William Hargett, Pompano Beach City Manager, 100 West Atlantic Boulevard, P.O. Drawer 1300, Pompano Beach, Florida 33061.

Florida	Sea Ranch Lakes (Village).	Atlantic Ocean	Approximately 200 feet east of the intersection of Gatehouse Road and South Ocean Boulevard.	None	*10
	Broward County		Approximately 600 feet east of the intersection of Gatehouse Road and South Ocean Boulevard.	*17	*13

Maps available for inspection at the Sea Ranch Lakes Village Hall, #1 Gatehouse Road, Sea Ranch Lakes, Florida.

Send comments to the Honorable Kenneth Kohl, 16 Minnetonka Road, Sea Ranch Lakes, Florida 33308.

Florida	Tallahassee (City) .. Leon County	East Drainage Ditch	At confluence with Munson Slough	*38	*40
			Approximately 100 feet upstream of Apakin Nene.	None	*142
		Gum Creek	At confluence with West Drainage Ditch ..	*57	*60
			Approximately 0.4 mile upstream of Blounstown Highway.	None	*60
		McCord Park Pond Drainage Ditch.	Approximately 700 feet downstream of State Route 151 (Centerville Road).	*70	*71
		Meginnis Arm Tributary	At downstream face of Betton Road	None	*111
			At Meridian Road	None	*148
			Approximately 0.4 mile downstream of Allen Road.	*106	*105
		Middle Drainage Ditch	At confluence with Munson Slough	*38	*40
			Approximately 1,100 feet upstream of Pensacola Street.	None	*71
		Munson Slough	At confluence of East Drainage Ditch	*38	*40
			Approximately 200 feet upstream of Lake Bradford Road.	*38	*40
		Northeast Drainage Ditch	At the upstream face of Weems Road	*51	*52
			Approximately 1.3 miles upstream of Lonnbladh Road.	None	*131
		Park Avenue Ditch	At confluence with Northeast Drainage Ditch.	*54	*56
			Approximately 0.8 mile upstream of Victory Garden Drive.	None	*107
		Richview Road Ditch	At confluence with Northeast Drainage Ditch.	None	*68
			Approximately 40 feet upstream of Park Avenue.	None	*90
		Royal Oaks Creek	Confluence with Lake Kinsale (Alford Arm Tributary).	*82	*84
			Approximately 650 feet upstream of Foxcroft Drive.	None	*87
St. Augustines Branch	Approximately 200 feet upstream of confluence with Middle Drainage Ditch.	*63	*62		
	At downstream side of U.S. Route 90 (Tennessee Street).	*107	*114		
Alford Arm Tributary	Upstream face of Centerville Road	*81	*83		
	Just downstream of Thomasville Road (U.S. Route 319 and State Route 61).	*90	*93		
West Drainage Ditch	At confluence with Munson Slough	*38	*40		
	Approximately 100 feet upstream of Interstate Route 10.	None	*147		
West Drainage Ditch Tributary.	At the confluence with West Drainage Ditch.	*50	*54		
	Approximately 1,140 feet upstream of Jackson Bluff Road.	None	*56		
Windrush Apartments Ditch.	At confluence with Northeast Drainage Ditch Tributary.	None	*77		
	Approximately 140 feet upstream of Apartment Road.	None	*103		
Grassy Lake	Entire shoreline within community	*38	*40		
Lake Bradford	Entire shoreline within community	*38	*39		
Lake Cascade	Entire shoreline within community	*38	*39		
Lake Hiawatha	Entire shoreline within community	*38	*39		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Northwood Mall Drainage Ditch.	Approximately 200 feet downstream of U.S. Route 27 and State Route 63 (North Monroe Street).	None	*112
			Approximately 650 feet upstream of Allen Road.	None	*138
		San Luis Branch	At confluence with West Drainage Ditch ..	None	*67
			Approximately 1,300 feet upstream of Ocala Road.	None	*102

Maps available for inspection at the City of Tallahassee Department of Public Works, 300 South Adams Street, Tallahassee, Florida.
Send comments to Mr. Steven C. Burkett, Tallahassee City Manager, 300 South Adams Street, Tallahassee, Florida 32301-1731.

Georgia	Duluth (City) Gwinnett County.	Swilling Creek	Approximately 1,600 feet upstream of the confluence with the Chattahoochee River.	*899	*900
			Approximately 0.64 mile upstream of Howell Ferry Road.	None	*944
		Swilling Creek Tributary ...	At the confluence with Swilling Creek	None	*928
			Approximately 1,450 feet upstream of footbridge.	None	*967
		Rogers Creek	Approximately 1,950 feet upstream of the confluence with Chattahoochee River.	*902	*903
			Approximately 1,420 feet upstream of Bridlewood Drive.	None	*985

Maps available for inspection at City of Duluth Planning and Development Department, 3578 West Lawrenceville Street, Duluth, Georgia.
Send comments to The Honorable Shirley Fanning-Lasseter, Mayor of the City of Duluth, 3578 West Lawrenceville Street, Deluth, Georgia 30136.

Georgia	Gwinnett County (Unincorporated Areas).	Rogers Creek	Approximately 1,650 feet downstream of Peachtree Industrial Boulevard.	*902	*910
			Approximately 1,160 feet upstream of State Route 120.	None	*959

Maps available for inspection at the Gwinnett County Department of Transportation, 75 Langley Drive, Lawrenceville, Georgia (also public libraries).
Send comments to Mr. Wayne Hill, Chairman, Gwinnett County Board of Commissioners, 75 Langley Drive, Lawrenceville, Georgia 30245.

Illinois	DeKalb (City) DeKalb County.	South Branch Kishwaukee River.	Approximately 0.8 mile downstream of Bethany Road.	None	*833
			Approximately 0.38 mile upstream of East-West Toll Road.	None	*854

Maps available for inspection at the City of DeKalb City Hall, Engineering Department, 200 South Fourth Street, DeKalb, Illinois.
Send comments to The Honorable Greg Sparrow, Mayor of the City of DeKalb, 200 South Fourth Street, DeKalb, Illinois 60115.

Illinois	DeKalb County (Unincorporated Areas).	South Branch Kishwaukee River.	Approximately 850 feet downstream of County Line Road.	None	*732
		Unnamed Tributary to East Branch South Branch Kishwaukee River.	At Gurler Road	None	*856
			At the confluence with East Branch South Branch Kishwaukee River.	None	*824
			At Illinois Highway 23	None	*840
			Just upstream of Illinois Highway 23	None	*843
			Approximately 0.5 mile upstream of State Route 23.	None	*845
		East Branch South Branch	At the confluence with South Branch Kishwaukee River.	None	*824
			At Barber Greene Road	None	*843
		Little Rock Creek	Approximately 1.6 miles downstream of Oak Street.	None	*717
			At Duffy Road	None	*748

Maps available for inspection at the DeKalb County Administration Building, 110 East Sycamore Street, Sycamore, Illinois.
Send comments to Mr. George Daugherty, Chairman of DeKalb County Board, 110 East Sycamore Street, Sycamore, Illinois 60178.

Illinois	Genoa (City) DeKalb County.	South Branch Kishwaukee River.	Approximately 1,700 feet downstream of Chicago, Milwaukee, St Paul, and Pacific Railroad.	None	*794
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 1,250 feet upstream of Chicago, Milwaukee, St. Paul, and Pacific Railroad.	None	*797

Maps available for inspection at the Genoa City Hall, Public Works, 113 North Genoa Street, Genoa, Illinois.
Send comments to Mr. Keity Schildt, Genoa City Administrator, 113 North Genoa Street, Genoa, Illinois 60135.

Illinois	Hinckley (Village) DeKalb County.	Little Rock Creek	Approximately 750 feet downstream of Oak Street.	None	*729
			Approximately 1,000 feet upstream of South View Street.	None	*734

Maps available for inspection at the Village of Hinckley Village Hall, 131 East Lincoln Avenue, Hinckley, Illinois.
Send comments to The Honorable Steven Mathis, Mayor of the Village of Hinckley, P.O. Box 1203, Hinckley, Illinois 60520.

Illinois	Kirkland (Village) DeKalb County.	South Branch Kishwaukee River.	Approximately 1,300 feet downstream of Kirkland Road (6th Street).	*761	*758
			At Pearl Street	*766	*762

Maps available for inspection at the Village of Kirkland Municipal Building, 511 West Main Street, Kirkland, Illinois.
Send comments to Mr. Marvin Bernhardt, Kirkland Acting Village President, 511 West Main Street, P.O. Box 550, Kirkland, Illinois 60146.

Illinois	Kingston (Village) DeKalb County.	South Branch Kishwaukee River.	Approximately 0.29 mile downstream at Five Points Road.	*788	*786
			Approximately 0.79 mile upstream of Five Points Road.	*792	*789

Maps available for inspection at the Kingston City Hall, 101 East Railroad, P.O. Box 214, Kingston, Illinois.
Send comments to The Honorable Kenneth Prosser, Mayor of the Village of Kingston, 101 East Railroad, P.O. Box 214, Kingston, Illinois 60145.

Illinois	Sycamore (City) DeKalb County.	South Branch Kishwaukee River.	Approximately 1,000 feet upstream of Rich Road.	*834	*832
			Approximately 1,500 feet downstream of Bethany Road.	*836	*835
		East Branch South Branch Kishwaukee River.	At approximately 0.47 mile downstream of Brickville Road.	*826	*827
			At approximately 1,000 feet downstream of State Route 64.	*837	*836
		Unnamed Tributary to East Branch South Branch Kishwaukee River.	Approximately 950 feet downstream of Brickville Road.	None	*834
Approximately 250 feet downstream of Brickville Road.	None	*835			

Maps available for inspection at the Sycamore City Hall, Engineering Department, 535 DeKalb Avenue, Sycamore, Illinois.
Send comments to The Honorable Bernard McMillian, Mayor of the City of Sycamore, 535 DeKalb Avenue, Sycamore, Illinois 60178.

Indiana	Wabash County (Unincorporated Areas).	Wabash River	Approximately 1.0 mile downstream of Prairie Road (At county boundary).	* 652	* 651
			Approximately 0.5 mile upstream of 100 North Road.	* 692	* 687
		Treaty Creek	Approximately 3,000 feet upstream of Bailey Road.	None	* 731
			Approximately 100 feet downstream of County Road 700 South.	None	* 793

Maps available for inspection at the Planning Commission Office, Wabash County Courthouse, 1 West Hill Street, Wabash, Illinois.
Send comments to Mr. Dean Eppley, Chairman of the Wabash County Board of Commissioners, 1 West Hill Street, Wabash, Indiana 46992.

Kentucky	Daviness County (Unincorporated Areas).	Ohio River	900 feet upstream of State Route 270 and Highway 60.	* 386	* 387
		Yellow Creek	2.5 miles upstream of confluence with Ohio River.	* 390	* 397
		Van Buren Creek 70 (flooding controlled by Ohio River).	Just downstream of State Road 144	* 390	* 391
			At confluence of Van Buren Creek 70 and Yellow River.	* 390	* 391

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Unnamed Tributary to Van Buren Creek 70.	At confluence of unnamed tributary to Van Buren Creek 70 and Van Buren Creek.	* 390	* 391
			Approximately 1,000 feet upstream of State Road 390.	* 390	* 391

Maps available for inspection at the Daviess County Courthouse, 212 St. Ann Street, Owensboro, Kentucky.

Send comments to The Honorable W.M. Norris, Daviess County Judge Executive, 212 St. Ann Street, Room 202, Owensboro, Kentucky 42303.

Maine	Bowdoinham (Town) Sagadahoc County.	Kennebec River	Approximately 850 feet downstream of Abagadasset Point.	*11	*10
			At upstream corporate limits	*16	*12
		Denham Stream	At confluence with West Branch	None	*9
			At upstream corporate limits	None	*143
		Abagadasset River	At downstream corporate limits	None	*115
		At upstream corporate limits	None	*125	

Maps available for inspection at the Bowdoinham Town Office, 13 School Street, Bowdoinham, Maine.

Send comments to Ms. Earla J. Parks, Bowdoinham Town Manager, P.O. Box 85, 13 School Street, Bowdoinham, Maine 04008.

Maine	Dresden (Town) Lincoln County.	Kennebec River	At downstream corporate limits	*12	*11
			At upstream corporate limits	*24	*20
		Eastern River	At the confluence with Kennebec River ...	*13	*11
			Approximately 2.1 miles upstream of State Route 27.	*13	*12

Maps available for inspection at the Dresden Town Office, Route 27, Dresden, Maine.

Send comments to Mr. John W. Ottum, First Selectman, P.O. Box 30, Dresden, Maine 04342.

Maine	Pittston (Town) Kennebec County.	Kennebec River	At downstream corporate limits	*25	*20
			At confluence of Togus Stream	*28	*24
		Togus Stream	At confluence with the Kennebec River ...	*28	*24
			Approximately 0.86 mile upstream of State Route 27.	*30	*29
		Eastern River	At downstream corporate limits	*13	*12
			At downstream county boundary	*13	*12
		Approximately 0.35 mile downstream of the confluence of Kimball Brook.	*13	*12	

Maps available for inspection at the Pittston Town Office, Route 2, Gardner, Maine.

Send comments to Mr. Robert Moody, First Selectman, Route 2, Box 9A, Gardner, Maine 04345.

Maine	Richmond (Town) Sagadahoc County.	Kennebec River	At downstream corporate limits	*16	*12
			At upstream corporate limits	*21	*21
		Abagadasset River	At downstream corporate limits	None	*115
			At downstream side of Langdon Road	None	*143
		Baker Brook	At downstream side of Langdon Road	None	*32
			Approximately 250 feet upstream of Route 197 (Main Street).	None	*67
		Denham Stream	At downstream side corporate limits	None	*110
			At upstream corporate limits	None	*113
		Mill Brook	At confluence with Kennebec River	*16	*13
			Approximately 80 feet downstream of Maine Central Railroad.	*16	*17

Maps available for inspection at the Richmond Town Office, 26 Gardiner Street, Richmond, Maine.

Send comments to Mr. Philip Nadeau, Richmond Town Manager, P.O. Box 159, Richmond, Maine 04357.

Maine	Saco (City) York County.	Sawyer Brook	At upstream side of Sawyer Street	None	*63
			Approximately 50 feet upstream of Therrien Avenue.	None	*97
		Atlantic Ocean (Saco Bay)	Approximately 100 feet east of the intersection of King Avenue and Surf Street.	None	*11

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. * Elevation in feet (NGVD)	
				Existing	Modified
		Saco River (affected by Atlantic Ocean). Goosefare Brook (affected by Atlantic Ocean). Unnamed Tributary to Scarborough River.	Approximately 255 feet east of the intersection of Oceanside Drive and Piney Woods Road.	*19	*13
			Approximately 40 feet west of the intersection of Sunset Avenue and Surf Street.	None	#1
			Approximately 200 feet southeast of the intersection of Eastern Avenue and Bay Avenue.	*14	*13
			At the intersection of Main Street and Camp Ellis Avenue.	*9	*10
			Just downstream of Cataract Dam	*9	*10
			Approximately 1,500 feet west of the intersection of Green Avenue and Seaside Avenue.	*9	*10
			Approximately 800 feet west of the intersection of Green Avenue and Seaside Avenue.	*9	*11
			Approximately 75 feet downstream of Boston & Maine Railroad.	*9	*10
			Approximately 0.69 mile northeast of the intersection of Flag Road and Blue Star Memorial Highway to the downstream corporate limit.	None	*9

Maps available for inspection at the Building Inspector's Office, City Hall, 300 Main Street, Saco, Maine.
Send comments to Mr. Larry Mitchell, City Administrator, 300 Main Street, Saco, Maine 04072.

Michigan	Frankenmuth (Township) Saginaw County.	Cass River	Approximately 0.6 mile downstream of South Maine Street.	None	*612
			Approximately 1.1 miles upstream of South Maine Street.	None	*614

Maps available for inspection at the Frankenmuth Township Building, 218 West Genesee Street, Frankenmuth, Michigan.
Send comments to Mr. Martin Warnick, Supervisor of Frankenmuth Township, 218 West Genesee Street, Frankenmuth, Michigan 48734.

Michigan	Fremont (Township) Saginaw County.	Shiawassee Flats	North of Beaver Road	None	*594
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Maps available for inspection at the Fremont Township Hall, 5980 Hemlock Road, Hemlock, Michigan.
Send comments to Mr. Don LaClair, Fremont Township Supervisor, 17600 McKay Road, St. Charles, Michigan 48655.

Michigan	New Lothrop (Village) Shiawassee County.	Misteguay Creek	Approximately 0.63 mile downstream of Easton Road.	None	*673
			Approximately 1,600 feet upstream of confluence of Onion Creek.	None	*680

Maps available for inspection at the New Lothrop Village Hall, 7507 Orchard Street, New Lothrop, Michigan.
Send comments to Mr. Jerry Burns, President of the Village of New Lothrop, 7507 Orchard Street, Box 313, New Lothrop, Michigan 48460.

Michigan	Hazelton (Township) Shiawassee County.	Misteguay Creek	Approximately 0.58 mile downstream of Byron Road.	None	*666
			Approximately 350 feet upstream of Juddville Road.	None	*17

Maps available for inspection at the Hazelton Township Hall, 7505 Orchard Street, New Lothrop, Michigan.
Send comments to Mr. Jim Sheridan, Supervisor of the Township of Hazelton, 7505 Orchard Street, New Lothrop, Michigan 48460.

Minnesota	Prior Lake (City) Scott County.	Artic Lake	Entire shoreline within community	None	*909
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Maps available for inspection at the City Hall, 16200 Eagle Creek Avenue, S.E., Prior Lake, Minnesota.
Send comments to The Honorable Lydia Andren, Mayor of the City of Prior Lake, 16200 Eagle Creek Avenue, Prior Lake, Minnesota 55372.

Mississippi	Horn Lake (City) DeSoto County.	Horn Lake Creek	Approximately 1.7 miles upstream of Berk Road.	None	*349
			Approximately 2.2 miles upstream of Berk Road.	None	*364

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified

Maps available for inspection at the City of Horn Lake Planning Department, City Hall, 2285 Goodman Road, Horn Lake, Mississippi.
Send comments to The Honorable Mike Thomas, Mayor of the City of Horn Lake, 2285 Goodman Road, Horn Lake, Mississippi 38637.

New Hampshire	Bristol (Town) Graf-ton County.	Newfound Lake	Entire shoreline within community	none	*591
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Maps available for inspection at the Bristol Town Hall, 71 Lake Street, Bristol, New Hampshire.
Send comments to Mr. Dexter Bocklin, Bristol Town Administrator, 71 Lake Street, Bristol, New Hampshire 03227.

New Hampshire	Keene (City) Cheshire County.	Black Brook	Downstream side of Wilson Pond Dam ...	None	*501
			Approximately 1.19 mile upstream of State Route 12.	None	*520

Maps available for inspection at the Code Enforcement Department, 3 Washington Street, 4th Floor, Keene, New Hampshire.
Send comments to Mr. John A. MacLean, City Manager, 3 Washington Street, Keene, New Hampshire 03431.

New Hampshire	Salem (Town) Rockingham County.	West Channel	At confluence with Policy Brook	None	*126
		Policy Brook	Approximately 250 feet upstream of Northeastern Boulevard.	None	*168
		Porcupine Brook	At I-93	None	*129
			Approximately 1,800 feet upstream of Old Causeway.	None	*133
		Porcupine Brook Tributary	At confluence with Porcupine Brook	None	*132
			Approximately 130 feet upstream of Quill Lane.	None	*133
	World End Pond	Entire shoreline within community	None	*117	
	World End Brook	Entire reach east of Lawrence Road	None	*117	

Maps available for inspection at the Engineer's Office, Municipal Office Building, 33 Geremonty Drive, Salem, New Hampshire.
Send comments to Mr. Stephen Daly, Salem Town Manager, 33 Geremonty Drive, Salem, New Hampshire 03079.

New Hampshire	Rindge (Town) Cheshire County.	Contoocook Lake	Entire shoreline within community	None	*1,013
		Pool Pond	Entire shoreline within community	None	*1,013

Maps available for inspection at the Rindge Town Office, 304 Route 119, Rindge, New Hampshire.
Send comments to Mr. David Aho, Chairman of the Selectman for the Town of Rindge, P.O. Box 163, Rindge, New Hampshire 03461.

New Jersey	Roselle Park (Borough) Union County.	Morses Creek	Approximately 220 feet downstream of West Westfield Avenue.	*75	*68
			At upstream corporate limits (Summer Street).	None	*87

Maps available for inspection at the Borough of Roselle Park Engineer's Office, 110 East Westfield Avenue, Roselle Park, New Jersey.
Send comments to The Honorable Joseph Delorio, Mayor of the Borough of Roselle park, 110 East Westfield Avenue, Roselle Park, New Jersey 07204-2083.

Tennessee	Chattanooga (City) Hamilton County	South Chickamauga Creek.	Approximately 0.33 mile upstream of Amnicola Highway.	*659	*660
			At state boundary	*691	*689
		Spring Creek	On the downstream side of Spring Creek Road.	*678	*679
			Approximately 0.3 mile downstream of Spring Creek Road.	*678	*679
		Mackey Branch	At its confluence with South Chickamauga Creek.	*690	*687
			Approximately 550 feet upstream of East Berainerd Road (State Route 320).	*691	*690
		Friar Branch	At is confluence with South Chickamauga Creek.	*673	*670
			Approximately 0.37 mile downstream of Noah Reid Road.	*676	*675

Maps available for inspection at the Planning Commission, Chattanooga City Hall Annex, East 11th Street, Chattanooga, Tennessee.
Send comments to The Honorable Gene Roberts, Mayor of the City of Chattanooga, City Hall, Suite 100, East 11th Street, Chattanooga, Tennessee 37402.

Vermont	Duxbury (Town)	Winooski River	At Bolton Falls Dam	*405	*409
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State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
	Washington county		At downstream corporate limits	*428	*427

Maps available for inspection at the Duxbury Town Clerk's Office, R.D. 2, Waterbury, Vermont.

Send comments to Mr. Bob McGee, Jr., Chairman of the Town of Duxbury Board of Selectmen, R.D. 2, Box 1260, Waterbury, Vermont 05676.

Virginia	Buchanan County .. (Unincorporated Areas).	Dismal Creek	Confluence with Levisa Fork	*1,175	*1,172
			Approximately 1,850 feet downstream of Route 635 bridge.	None	*1,658
		Levisa Fork	Approximately 1,575 feet downstream of State Route 733.	None	*870
		Knox Creek	At U.S. Route 460 bridge	*1,475	*1,472
			Approximately 1,000 feet downstream of State Route 697 bridge.	None	*923
		Russell Fork	Approximately 2.23 miles upstream of State Route 652.	*1,276	*1,272
			Approximately 1.15 miles downstream of State Route 80 bridge.	*1,432	*1,430
			Approximately 1.30 miles upstream of confluence of Hurricane Creek.	None	*1,505
		Big Prater Creek	At confluence with Levisa Fork	*1,123	*1,117
			Approximately 40 feet upstream of State Route 657.	None	*1,478
		Trace Fork Branch	Confluence with Big Prater Creek	*1,175	*1,171
			Approximately 50 feet upstream of Route 612 bridge.	None	*1,456
		Bull Creek	Confluence with Levisa Fork	*963	*972
			Approximately 50 feet downstream of confluence of Deel Fork.	None	*1,294
		Garden Creek	Confluence with Levisa Fork	*1,324	*1,322
			Confluence of Right Fork to Garden Creek.	None	*1,399
		Greenbrier Creek	Approximately 1,100 feet downstream of confluence with Little Greenbrier Creek.	None	*1,424
			Approximately 20 feet upstream of State Route 608 bridge.	None	*1,475
		Guess Fork	Confluence with Knox Creek	*966	*963
			Approximately 275 feet upstream of confluence of Left Fork to Guess Fork.	None	*1,100
Home Creek	Confluence with Levisa Fork	*916	*919		
	Approximately 350 feet upstream of State Route 650 bridge.	None	*1,275		
Hurricane Creek	Confluence with Russell Fork	None	*1,456		
	Approximately 3,080 feet upstream of State Route 600 bridge.	None	*1,515		
Indian Creek	Confluence with Russell Fork	None	*1,440		
	Approximately 50 feet upstream of State Route 601 bridge.	None	*1,501		
Left Fork to Guess Fork ...	Confluence with Guess Fork	None	*1,099		
	Approximately 630 feet upstream of Route 646 bridge.	None	*1,121		
Little Greenbrier Creek	Confluence with Greenbrier Creek	None	*1,430		
	Approximately 1,565 feet upstream of State Route 714 bridge.	None	*1,488		
Little Prater Creek	Confluence with Levisa Fork	*1,094	*1,090		
	Approximately 90 feet upstream of the third stream crossing of State Route 617 bridge.	None	*1,262		
Lester Fork	Confluence with Knox Creek	*978	*976		
	Approximately 30 feet upstream of State Route 650 bridge.	None	*1,288		
Looney Creek	Confluence with Levisa Fork	*1,005	*1,002		
	Approximately 0.6 mile upstream of Route 656 bridge.	None	*1,146		
PawPaw Creek	At confluence with Knox Creek	*932	*928		
	Approximately 200 feet upstream of confluence of Rockhouse Fork.	None	*1,071		
Race Fork	Confluence with Knox Creek	*957	*951		

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.6 mile upstream of driveway bridge to Race Fork Coal Corporation.	None	*1,019
		Right Fork to Garden Creek.	Confluence with Garden Creek	None	*1,399
			Approximately 1,500 feet upstream of Mine Access Road.	None	*1,552
		Right Fork to Knox Creek	Confluence with Knox Creek	*1,080	*1,078
			Approximately 1.09 miles upstream of State Route 643.	None	*1,230
		Rockhouse Fork	Confluence with PawPaw Creek	None	*1,069
			Approximately 270 feet upstream of State Route 643 bridge.	None	*1,072
		Russell Prater Creek and War Fork.	Approximately 0.66 mile downstream of State Route 606 bridge (Dickenson/Buchanan County line).	None	*1,417
			Approximately 1.49 mile upstream of confluence with Russell Prater Creek.	None	*1,542
		Rocklick Creek	Confluence with Levisa Fork	*899	*904
			Approximately 2,500 feet upstream of State Route 691 bridge.	None	*1,001
		Slate Creek	Approximately 0.64 mile upstream of Route 1002.	None	*1,112
			Approximately 1,550 feet upstream of State Route 640 bridge.	None	*1,538

Maps available for inspection at the Buchanan County Courthouse, Main Street, Grundy, Virginia.

Send comments to Mr. Garry Roger Rife, Chairman of the Buchanan County Board of Supervisors, P.O. Drawer 950, Grundy, Virginia 24614.

Virginia	Grundy (Town) Buchanan County.	Levisa Fork	Approximately 1.9 feet downstream of confluence of Slate Creek.	*1,025	*1,028
			Approximately 0.61 mile downstream of State Route 617.	*1,082	*1,075
		Watkins Branch	Confluence with Levisa Fork	*1,079	*1,071
			Approximately 1,890 feet upstream of State Route 661 bridge.	None	*1,182
		Slate Creek	Confluence with Levisa Fork	*1,051	*1,053
			Approximately 0.64 mile upstream of Route 1002 bridge.	None	*1,112

Maps available for inspect at Grundy Town Hall, 127 Main Street, Grundy, Virginia.

Send comments to Mr. Charles Crabtree, Grundy Town Manager, P.O. Box 711, Grundy, Virginia.

Wisconsin	Chippewa Falls (City). Chippewa County ..	Chippewa River	Approximately 1 mile downstream of U.S. Highway 53.	*822	*821
			Approximately 2.4 miles upstream of Soo Line Railroad.	None	*852

Maps available for inspection at the Chippewa Falls City Hall, Inspection Department, 30 West Central Street, Chippewa Falls, Wisconsin.

Send comments to The Honorable Virginia Smith, Mayor of the City of Chippewa Falls, 30 West Central Street, Chippewa Falls, Wisconsin 54729.

Wisconsin	Chippewa County (Unincorporated Areas).	Chippewa River	Downstream county boundary	*805	*804
			At toe of Wissota Dam	None	*853

Maps available for inspection at the Chippewa County Courthouse, 711 North Bridge Street, Chippewa Falls, Wisconsin.

Send comments to Mr. Thomas Goettl, Chairman of the Chippewa County Board of Supervisors, Chippewa Falls, Wisconsin 54729.

Wisconsin	Eau Claire (City) Chippewa and Eau Claire Counties.	Chippewa River	At Interstate 94	*774	*773
			Upstream corporate limits	*808	*806
		Sherman Creek	Confluence with Chippewa River	*778	*776
			Approximately 1.0 mile upstream of Menomonie Street.	*807	*808
		Eau Claire River	At confluence with Chippewa River	*784	*782
			Downstream side of Chicago and Northwestern Railroad spur.	*784	*783

Maps available for inspection at the Eau Claire City Hall, Inspection Service Office, 203 South Fairwell Street, Eau Claire, Wisconsin.

Send comments to Mr. Don Norrell, Manager of the City of Eau Claire, 203 South Fairwell Street, Call Box 5148, Eau Claire, Wisconsin 54707-5148.

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

Dated: January 31, 1997.

Richard W. Krimm,

Executive Associate Director, Mitigation Directorate.

[FR Doc. 97-3780 Filed 2-13-97; 8:45 am]

BILLING CODE 6718-04-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 97-46, RM-8990]

Radio Broadcasting Services; Boonville, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Boonville Broadcasting Company seeking the allotment of FM Channel 241A to Boonville, California, as that locality's first local aural transmission service. Petitioner is requested to provide additional information to establish Boonville's status as a community for allotment purposes. Coordinates used for this proposal are 39-03-42 and 123-31-47.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Esq., Law Offices of Henry E. Crawford, Suite 900, 1150 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-46, adopted January 31, 1997, and released February 7, 1997. The full text

of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857-3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3717 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-49; RM-8993]

Radio Broadcasting Services; Cooperstown, PA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by John Anthony Bulmer proposing the allotment of Channel 299A at Cooperstown, Pennsylvania, as the community's first local aural transmission service. Channel 299A can be allotted to Cooperstown in compliance with the Commission's minimum distance separation

requirements at city reference coordinates. The coordinates for Channel 299A at Cooperstown are North Latitude 41-29-55 and West Longitude 79-52-14. Since Cooperstown is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Jerrold Miller, Esq., Miller & Miller, P.C., P.O. Box 33003, Washington, DC (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-49, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3718 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-51, RM-8983]

Radio Broadcasting Services; Alberton, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Vixon Valley Broadcasting proposing the allotment of Channel 284A to Alberton, Montana, as that community's first local broadcast service. The coordinates for Channel 284A are 47-00-06 and 114-28-21. Canadian concurrence will be requested for the allotment of Channel 284A at Alberton.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Victor A. Michael, Jr., President, Vixon Valley Broadcasting, c/o Magic City Media, 1912 Capitol Avenue, Suite 30, Cheyenne, Wyoming 82001.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-51, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter

is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3719 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-53, RM-9003]

Radio Broadcasting Services; Garden City, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by R. Lee Wheeler and Sarah H. Wheeler proposing the allotment of Channel 287A to Garden City, Missouri, as that community's first local broadcast service. The coordinates for Channel 287A at Garden City are 38-33-49 and 94-11-53. There is a site restriction 0.6 kilometers (0.4 miles) west of the community.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: R. Lee and Sarah H. Wheeler, 3718 W. 52nd Terrace, Shawnee Mission, Kansas 66205.

FOR FURTHER INFORMATION CONTACT:

Kathleen Scheuerle, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-53, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors,

International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3720 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-47, RM-8992]

Radio Broadcasting Services; Westley, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Westley-Grayson Broadcasting Company seeking the allotment of FM Channel 238A to Westley, California, as that locality's first local aural transmission service. Petitioner is requested to provide additional information to establish Westley's status as a community for allotment purposes. Coordinates used for this proposal are 37-28-13 and 121-11-14.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, Esq., Law Offices of Henry E. Crawford, Suite 900, 1150 Connecticut Avenue, NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-47, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3722 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-48; RM-8994]

Radio Broadcasting Services; Earlville, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Second Congregational Services proposing the allotment of Channel 275A at Earlville, Illinois, as the community's first local aural transmission service. Channel 275A can be allotted to Earlville in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.4 kilometers (8.3 miles) northwest at petitioner's requested site. The coordinates for Channel 275A at Earlville are North Latitude 41-38-55 and West Longitude 89-03-51.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Henry E. Crawford, Esq., 1150 Connecticut Avenue, NW., Suite 900, Washington, DC 20036 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-48, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3723 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-50; RM-8995]

Radio Broadcasting Services; Ocean Shores, WA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Ryan Broadcasting Company proposing the allotment of Channel 292A at Ocean Shores, Washington, as the community's first local aural transmission service. Channel 292A can be allotted to Ocean Shores in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 292A at Ocean Shores are North Latitude 46-57-47 and West Longitude 124-09-50. Since Ocean Shores is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Henry E. Crawford, Esq., 1150 Connecticut Ave., NW., Suite 900, Washington, DC 20036 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT:

Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-50, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
[FR Doc. 97-3724 Filed 2-13-97; 8:45 am]
BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-52, RM-8987]

Radio Broadcasting Services; Two Rivers, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by First Congregational Services proposing the allotment of Channel 246A to Two Rivers, Wisconsin, as that community's second FM broadcast service. The coordinates for Channel 246A are 44-09-06 and 87-34-06.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Henry E. Crawford, 1150 Connecticut Avenue, NW., Suite 900, Washington, DC. 20036.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-52, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
[FR Doc. 97-3725 Filed 2-13-97; 8:45 am]
BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-45, RM-8961]

Radio Broadcasting Services; Tylertown, MS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by TRL Broadcasting Company proposing the allotment of Channel 297A to Tylertown, Mississippi, as the community's second local FM service. Channel 297A can be allotted to Tylertown in compliance with the Commission's minimum distance separation requirements with a site restriction of 5.3 kilometers (3.3 miles) southeast to avoid short-spacing conflicts with the licensed operations of Station WBBU(FM), Channel 297A, Baker, Louisiana, and Station WKXI(FM), Channel 298C1, Magee, Mississippi, at coordinates 31-05-27 NL; 96-05-47 WL.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Henry E. Crawford, Esq., 1150 Connecticut Avenue, NW, Suite 900, Washington, DC 20036 (Counsel for petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-45, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.
John A. Karousos,
*Chief, Allocations Branch, Policy and Rules
Division, Mass Media Bureau.*
[FR Doc. 97-3726 Filed 2-13-97; 8:45 am]
BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 97-54, RM-8989]

Radio Broadcasting Services; Poplar Bluff, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by The Word of Victory Outreach Center, Inc., proposing the allotment of Channel 223A to Poplar Bluff, Missouri, as that community's fifth FM broadcast service. The coordinates for Channel 223A are 36-45-30 and 90-23-54.

DATES: Comments must be filed on or before March 31, 1997, and reply comments on or before April 15, 1997.

ADDRESSES: Federal Communications Commission, Washington, DC. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Eugene T. Smith, 715 G Street, SE., Washington, DC. 20003.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 97-54, adopted January 31, 1997, and released February 7, 1997. The full text of this Commission decision is available

for inspection and copying during normal business hours in the Commission's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street, NW., Suite 140, Washington, DC. 20037, (202) 857-3800.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97-3727 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-F

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Status Reviews for the Alexander Archipelago Wolf and Queen Charlotte Goshawk

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of status reviews; reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period on the rangewide status reviews for the Queen Charlotte goshawk (*Accipiter gentilis laingi*) and the Alexander Archipelago wolf (*Canis lupus ligoni*) is reopened. The Service solicits any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of these species. The notice of the status reviews was published on December 5, 1996 (61 FR 64496), and the extension

of comment period was published December 31, 1996 (61 FR 69065).

DATES: The comment period, previously scheduled to close February 5, 1997, is extended and will now close on March 5, 1997. Any comments received by the closing date will be considered in the findings.

ADDRESSES: Comments and materials should be sent to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801-7100.

FOR FURTHER INFORMATION CONTACT: Mr. John Lindell at the above address (907/586-7240).

SUPPLEMENTARY INFORMATION

Background

The Service will issue separate findings on petitions to list the Queen Charlotte goshawk and the Alexander Archipelago wolf under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Queen Charlotte Goshawk

The Queen Charlotte goshawk occurs in forested areas throughout coastal mainland and insular areas of British Columbia, Canada, and southeastern Alaska. On May 9, 1994, the Service received a petition to list the Queen Charlotte goshawk as endangered under the Act, from Mr. Peter Galvin of the Greater Gila Biodiversity Project, Silver City, New Mexico, and nine copetitioners including, the Southwest Center for Biological Diversity, the Biodiversity Legal Foundation, Greater Ecosystem Alliance, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller. On August 26, 1994, the Service announced a 90 day finding (59 FR 44124) that the petition presented substantial information indicating that the requested action may be warranted, and opened a public comment period until November 25, 1994. The Service extended the public comment period until February 28, 1995, through two subsequent Federal Register notices on January 4, 1995 (60 FR 425), and February 24, 1995 (60 FR 10344). The Service issued its 12-month finding on June 29, 1995 (60 FR 33784), indicating that listing the Queen Charlotte goshawk under the Act was not warranted.

On July 16, 1995, the petitioners filed a 60-day notice of intent to sue the Service over its 12-month finding, and on November 17, 1995, they filed suit in the United States District Court for the District of Columbia challenging the not warranted finding made by the Service. As a result of the court proceedings the

Service is reevaluating the status of the Queen Charlotte goshawk. The Service is requesting any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of this species.

Alexander Archipelago Wolf

The Alexander Archipelago wolf occurs in forested areas of insular and mainland southeast Alaska, from Dixon Entrance (US/Canada border) to Yakutat Bay, including all large islands of the Alexander Archipelago except Admiralty, Baranof, and Chichagof islands. On December 17, 1993, the Service received a petition to list the Alexander Archipelago wolf as threatened under the Act, from the Biodiversity Legal Foundation, Eric Holle and Martin J. Berghoffen. A 90-day finding was made by the Service that the petition presented substantial information indicating that the requested action may be warranted. The 90-day finding was announced (59 FR 26476) and a status review was initiated on May 20, 1994. The public comment period was open between May 20, and October 1, 1994 (59 FR 26476 and 59 FR 44122). The Service announced its finding that listing the Alexander Archipelago wolf was not warranted on February 23, 1995 (60 FR 10056).

The petitioners issued a 60-day notice of intent to sue over the Service's not warranted finding on November 13, 1995. On February 7, 1996, they filed suit in the United States District Court for the District of Columbia challenging the not-warranted finding made by the Service. As a result of the court proceedings the Service is reevaluating the status of the Alexander Archipelago wolf. The Service is requesting any information, data, comments, and suggestions from the public, other government agencies, the scientific community, industry, or other interested parties concerning the status of this species.

Author

This primary author of this notice is Teresa Woods, U.S. Fish and Wildlife Service, Alaska Region, 1011 E. Tudor Road, Anchorage, Alaska 99503.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and

recordkeeping requirements,
Transportation.

Dated: February 4, 1997.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

[FR Doc. 97-3464 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 229

[Docket No. 970129015-7015-01; I.D. 010397A]

RIN 0648-A184

Taking of Marine Mammals Incidental to Commercial Fishing Operations; Pacific Offshore Cetacean Take Reduction Plan Regulations

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a plan to reduce the bycatch and mortality of several marine mammal stocks that occur incidental to fishing for swordfish and thresher shark with drift gillnet gear offshore California and Oregon. The draft plan was submitted by the Pacific Offshore Cetacean Take Reduction Team (PCTRT) pursuant to the Marine Mammal Protection Act (MMPA). NMFS seeks comment on the draft Pacific Offshore Cetacean Take Reduction Plan (PCTRP), a NMFS proposed change to the draft plan, and proposed regulations to implement the plan.

DATES: Comments on the draft plan, NMFS' proposed change to the plan, and the proposed rule to implement the plan must be received by March 31, 1997.

ADDRESSES: Send comments to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226. Copies of the draft PCTRP and Environmental Assessment (EA) are available upon request from Irma Lagomarsino, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, or from Victoria Cornish, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226.

FOR FURTHER INFORMATION CONTACT: Irma Lagomarsino, NMFS, 310-980-4016 or Victoria Cornish, NMFS, 301-713-2322.

SUPPLEMENTARY INFORMATION: The California/Oregon drift gillnet (CA/OR DGN) fishery for thresher shark and swordfish is classified as a Category I fishery under section 118 of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1361 *et seq.*). The CA/OR DGN fishery is a pelagic fishery with the majority of the fishing effort occurring within 200 miles (320 kilometers) offshore of California and Oregon. Between May 1 and August 14, drift gillnets may not be used to take swordfish or thresher shark in ocean waters within 75 miles (120 kilometers) of the California coastline. From August 15 to January 31, swordfish may be taken within 75 miles (120 kilometers) of the California mainland, although additional area restrictions also apply within this area.

The CA/OR DGN fishery has a historical incidental bycatch of several strategic marine mammal stocks including: Several beaked whale species, short-finned pilot whales, pygmy sperm whales, sperm whales, and humpback whales (Barlow *et al.*, 1995). A strategic stock is a stock: (1) For which the level of direct human-caused mortality exceeds the potential biological removal (PBR) level; (2) which is declining and is likely to be listed under the Endangered Species Act (ESA) in the foreseeable future; or (3) which is listed as a threatened or endangered species under the ESA. The incidental bycatch of strategic stocks in the CA/OR DGN fishery exceeds the PBR levels established for these stocks (Barlow *et al.*, 1995).

Section 118 of the MMPA requires NMFS to develop and implement a take reduction plan to assist in the recovery or to prevent the depletion of each strategic stock that interacts with a Category I or II fishery. Category I or II fisheries are fisheries that have frequent or occasional incidental mortality and serious injury of marine mammals, respectively. The immediate goal of a take reduction plan is to reduce, within 6 months of its implementation, the mortality and serious injury of strategic stocks incidentally taken in the course of commercial fishing operations to below the PBR levels established for such stocks. Since the CA/OR DGN fishery is a Category I fishery that interacts with several strategic stocks, NMFS established the PCTRT on February 15, 1996 (61 FR 5385) to prepare a draft take reduction plan. The PCTRT included representatives of NMFS, the California Department of

Fish and Game (CDFG), the Pacific States Marine Fisheries Commission, environmental organizations, academic and scientific organizations, and participants in the CA/OR DGN fishery. In selecting these team members, NMFS sought an equitable balance among representatives of resource user and non-user interests.

The PCTRT was tasked with developing a consensus plan for reducing incidental mortality and serious injury of strategic marine mammal stocks in the CA/OR DGN fishery. The PCTRT met five times between February and June 1996 and submitted a consensus draft plan to NMFS on August 15, 1996 (PCTRP, 1996). The PCTRP includes: (1) A review of the current information on the status of the affected strategic marine mammal stocks; (2) a description of the CA/OR DGN fishery; (3) an analysis of data from NMFS' CA/OR DGN fishery observer program from 1990-1995; (4) primary strategies to reduce takes of strategic marine mammal stocks; (5) contingency measures that would reduce fishing effort; and (6) other recommendations regarding voluntary measures to reduce takes, enhancing the effectiveness of the observer program, research on oceanographic/environmental variables, and other potential strategies considered and rejected by the team.

The PCTRT recommended that four primary strategies be implemented to reduce bycatch of strategic marine mammal stocks in the CA/OR DGN fishery. The PCTRT recommended that three of these strategies be administered on a mandatory basis (strategies #1, #2, and #4) and that one be administered on a voluntary basis (strategy #3). This action proposes regulations to implement three of these primary strategies. These include the establishment of a depth of fishing requirement (strategy #1), the use of acoustic deterrent devices (pingers) (strategy #2), and mandatory skipper workshops (strategy #4). The PCTRT recommended that one other primary strategy be implemented by NMFS, yet not through Federal regulation. This would be for NMFS to encourage CDFG not to reissue lapsed permits, and to encourage the Oregon Department of Fish and Wildlife (ODFW) to continue issuing the same number of permits (strategy #3).

The proposed requirements would govern fishing by all drift gillnet vessels that operate out of California or Oregon.

Primary Strategies

Depth of Fishing Requirement (Strategy #1)

The PCTRT recommended that NMFS establish a fleetwide 16 fathom (36 feet; 10.9 meters) minimum extender line length requirement. Extender lines attach buoys (floats) to the drift gillnet's floatline and determine the depth of the water column at which the net is fished. Lowering nets in the water column has significantly reduced the incidental bycatch of cetaceans in several other drift gillnet fisheries (see PCTRP, 1996). In addition, analysis of NMFS' observer program data for the CA/OR DGN fishery from 1990–95 indicates that a significantly greater number of cetaceans are caught during sets that use extenders that are less than 6 fathoms (10.9 meters) deep. Furthermore, the majority of the cetaceans incidentally taken were observed entangled in the upper third of the net. Thus, requiring the CA/OR DGN fishery to use extenders of 6 fathoms (10.9 meters) in length or greater should reduce overall cetacean, and strategic stock, mortality and serious injury in the fishery. This proposed rule would require vessel operators to use an extender with a length of at least 6 fathoms (10.9 meters).

Skipper Education Workshops (Strategy #2)

The PCTRT recommended that NMFS conduct mandatory skipper workshops on the components of the PCTRP, together with expert skipper panels, to further generate and consider potential, additional take reduction strategies. Workshops would provide drift gillnet skippers with information relevant to how the PCTRP was developed and how to avoid marine mammal entanglement, and the workshops would solicit feedback from fishers on how to reduce marine mammal interactions. Workshops would be conducted at several locations in California that are accessible to the majority of drift gillnet fishers (e.g., Crescent City, Moss Landing, Morro Bay, Los Angeles, San Diego). Outreach materials that explain take reduction plan development, plan components, plan implementation, and species identification information would be provided to workshop participants. This proposed rule would require all CA/OR DGN vessel operators to attend one Skipper Education Workshop before initiating fishing in the 1997/98 fishing season (May 1 to December 31). CA/OR DGN vessel operators would be required to attend Skipper Education Workshops at annual intervals thereafter, unless that

requirement is waived by NMFS. NMFS would provide sufficient advance notice to vessel operators by mail prior to convening workshops.

Pinger Experiment and Requirement (Strategy #3)

The PCTRT recommended that NMFS and the CA/OR DGN fishery initiate an acoustic deterrent device (pinger) experiment in the fishery during the 1996–97 fishing season to evaluate the effectiveness of pingers at reducing incidental cetacean and strategic stock bycatch. Moreover, the PCTRT recommended that if results from this experiment indicate that there is a downward trend in overall cetacean bycatch, NMFS should establish a mandatory fleetwide pinger requirement for all CA/OR DGN fishery vessels prior to the next fishing season (1997–98) and continue to monitor the effectiveness of pingers at reducing bycatch.

The use of pingers in other gillnet fisheries has been shown to be effective at reducing the incidental bycatch of harbor porpoise (PCTRP, 1996). Analysis of CA/OR DGN observer program data from 1990–95 indicates that more cetaceans are entangled in areas of the net further away from the vessel, indicating that sound from the vessel may alert these animals to use their echolocation and, thus, avoid entanglement in the net. Furthermore, a workshop of cetacean and acoustic experts recently concluded that a pinger experiment should be conducted in the CA/OR DGN fishery to test its effectiveness at reducing cetacean entanglement (Reeves *et al.*, 1996). The workshop participants recommended that the pingers used in the New England sink gillnet fishery (10 kHz at 132 dB re 1 μ Pa at 1 meter) be used experimentally in the CA/OR DGN fishery because the sound frequency of the pingers was within the hearing sensitivity of most of the cetaceans that interact with that fishery.

NMFS and the CA/OR DGN fishery initiated a pinger experiment in the CA/OR DGN fishery in August 1996. The CA/OR DGN fishery pinger experiment used pingers with the same sound frequency, level, and pulse duration and rate as those used in the New England sink gillnet fishery. Preliminary results indicate that observed cetacean entanglement rate is almost 4 times greater for non-pinger sets than for those sets that used pingers (NMFS, unpublished data). Final statistical results from the pinger experiment should be available in March 1997.

Under this proposed rule, NMFS-approved pingers must be used on all vessels, during every set, and during the

entire fishing season. A NMFS-approved pinger is an acoustic deterrent device which, when immersed in water, broadcasts a sound frequency range of 10 to 80 kHz at 132 dB re 1 micropascal at 1 meter with a pulse duration of 300 milliseconds and a pulse rate of 4 seconds. However, if better information on the hearing sensitivity of cetaceans taken in the CA/OR DGN fishery indicates that different pinger specifications would be more effective, or if experiments using alternative pingers are more effective, NMFS could require that different pingers be used in the fishery. NMFS would publish proposed specifications for alternative pingers, and provide opportunity for public comment to determine whether alternative pingers should be required.

If the final results from the pinger experiment indicate that these devices are ineffective at reducing cetacean bycatch in the CA/OR DGN fishery, the use of pingers will not be included in the final rule to implement the final PCTRP. NMFS may reconvene the PCTRT prior to publishing a final rule requiring the mandatory use of pingers in the CA/OR DGN fishery to solicit its input on whether pingers should be included in the final rule.

Encourage CDFG Not to Reissue Lapsed Permits and Encourage ODFW to Continue to Issue the Same Number of Permits (Strategy #4)

The California drift gillnet fishery for thresher shark and swordfish is a limited entry fishery, and the OR DGN fishery is a developmental fishery. The PCTRT recognized that the CA DGN fishery is not restricted from a substantial expansion in fishing effort, because nearly a third of the drift gillnet permittees annually satisfy only the minimum CDFG requirements to keep their permits valid. The PCTRT recommends two approaches for limiting the potential expansion of fishing effort by permit holders in California and Oregon. Implementation of these approaches would not affect those drift gillnet fishers that annually land well beyond the minimum landing requirements established by CDFG.

First, the PCTRT recommended that CDFG continue not to reissue drift gillnet permits that have lapsed. In the past, if the minimum landing requirements for a drift gillnet permit have not been met by the permittee, the permit lapsed and could then be reissued to other applicants. However, it is the current practice of CDFG to not reissue lapsed permits. The PCTRT also recommended that ODFW continue issuing the same number of permits as were issued in 1996. NMFS intends to

contact CDFG and ODFW to encourage continuation of these practices.

Second, the PCTRT recommended that a California drift gillnet permit buy-back program be instituted to reduce those California drift gillnet permittees that annually land only the minimum requirements to maintain their permits. Theoretically, any agency or any private sector entity could initiate a buy-back program by entering into an agreement with a drift gillnet permit holder. Although NMFS does not have funding to implement this strategy, section 118(j) of the MMPA allows NMFS to accept, solicit, receive, hold, administer and use gifts, devises and bequests to carry out the provisions of section 118, which includes the implementation of take reduction plans. NMFS is seeking comments on the establishment of such a permit buy-back program in conjunction with CDFG, other agencies, or with the private sector.

Contingency Measures Involving a Reduction in Fishing Effort

The PCTRT reviewed several contingency measures involving a reduction in fishing effort that may be considered if the implementation of the primary strategies fail to achieve the goals of the MMPA. The PCTRT recommended that NMFS reconvene the PCTRT prior to June 15, 1997, to review the results from the pinger experiment, evaluate the efficacy of pingers at achieving the goals of the MMPA, and make additional recommendations for the plan, if necessary. The PCTRT also recommended that NMFS continue to reconvene the team on an annual basis to monitor the implementation of the final take reduction plan, until such time that NMFS determines that the objectives of the MMPA have been met.

The contingency measures reviewed by the PCTRT include a preliminary list of possible strategies for reducing incidental mortality and serious injury that involve changes in fishing effort. Once the final PCTRP is adopted by NMFS, the team recommended that if the 6-month take reduction goal has not been met when the team reconvenes, the PCTRT will recommend methods to reduce fishing effort in the upcoming season, if necessary. NMFS intends to reconvene the PCTRT prior to June 1997 and on an annual basis until the goals of the MMPA have been met.

Other Team Recommendations

The PCTRP included several other recommendations that do not require regulations to implement yet were considered important in achieving the long-term goals of the PCTRP. These include: (1) Voluntary modifications of

net mesh size; (2) enhancing the effectiveness of the observer program; (3) research on oceanographic/ environmental variables in relation to cetacean distribution.

The PCTRP also included recommendations that all vessels in the CA/OR DGN fishery voluntarily convert to 20-inch (50.8 centimeter) net mesh size when replacing old nets or large panels of existing net. The mesh conversion was recommended because an analysis of observer data showed a significant correlation between size of mesh and cetacean entanglement rate. The rate of entanglement was higher for mesh sizes greater than 21 inches than that for 20 inches or less. The biological reasons for this relationship are unknown. NMFS plans to encourage DGN fishers to convert their nets to 20-inch (50.8 centimeters) mesh during the Skipper Education Workshops.

The PCTRT recommended measures to enhance the effectiveness of NMFS' observer program, including: (1) Achieving 20 percent observer coverage; (2) ensuring that the observer program is targeting all possible DGN vessels, including vessels that cannot carry an observer; and (3) ensuring that the observer program data collection be expanded to include several additional data variables (i.e., net and environmental characteristics). NMFS is in the process of implementing these measures within the constraints of available funding.

The PCTRP recommended that data be collected on oceanographic/ environmental variables that could be used for predicting cetacean distribution on a real-time basis and, possibly, reducing marine mammal interactions with the CA/OR DGN fishery. NMFS intends to include this additional data collection in its research program where possible.

The PCTRP also identified an additional 13 strategies that might reduce bycatch of strategic marine mammal stocks. These strategies were either rejected by the PCTRT or held in reserve for future consideration. If the goals of section 118(f) of the MMPA have not been met once the final PCTRP has been implemented, these strategies may be reconsidered by the PCTRT and NMFS.

NMFS' Proposed Change to the Plan

NMFS proposes to adopt the draft plan as submitted, except for one minor change with respect to strategy #2 (the use of pingers). The PCTRT recommended that this strategy be mandatory if a downward trend in overall cetacean bycatch could be demonstrated as the result of the use of

pingers during the 1996/97 fishing season. As discussed above, NMFS decided to propose the mandatory use of pingers before final results are available. However, if the final results from the pinger experiment indicate that these devices are ineffective at reducing cetacean bycatch in the CA/OR DGN fishery, the use of pingers will not be included in the final rule.

Comments are requested on all aspects of the draft plan, NMFS's proposed change to the plan, and on the proposed regulatory actions to implement the plan.

Classification

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant impact on a substantial number of small entities as follows:

The cost of fishing line to implement a minimum extender length of 6 fathoms (10.9 meters) is negligible, and swordfish catch rates are not significantly different at various depths. Travel costs to attend skipper education workshops would be minimized by having workshops scheduled at various locations around the state and at various times outside of the fishing season. The cost of installing pingers on nets would be approximately \$1,640 per vessel, based on 41 pingers required at an average cost of \$40 per pinger. The cost of pingers could be offset by reductions in marine mammal entanglements, and subsequent reduction in costs due to net damage or loss. As a result, a regulatory flexibility analysis was not prepared.

The Assistant Administrator for Fisheries, NOAA (AA) has determined, based on an EA prepared under the National Environmental Policy Act, that implementation of these regulations would not have a significant impact on the human environment. As a result of this determination, an environmental impact statement is not required. A copy of the EA prepared for this rule is available upon request (see ADDRESSES).

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

List of Subjects in 50 CFR Part 229

Administrative practice and procedure, Confidential business information, Fisheries, Marine mammals, Reporting and recordkeeping requirements.

References

Barlow, J., R.L. Brownell Jr., D.P. DeMaster, K.A. Forney, M.S. Lowry, S. Osmeck, T.J. Ragen, R.R. Reeves, and R.J.

Small. 1995. U.S. Pacific Marine Mammal Stock Assessments. NOAA Technical Memorandum NMFS, NOAA-TM-NMFS-SWFSC-219. 162 p.

Reeves, R.R., R.J. Hofman, G.K. Silber, D. Wilkinson. 1996. Acoustic Deterrence of Harmful Marine Mammal-Fishery Interactions: Proceedings of a Workshop held in Seattle, Washington, 20-22 March 1996. NOAA Technical Memorandum, NMFS-OPR-10. 70 p.

PCTRP. 1996. Final Draft, Pacific Offshore Cetacean Take Reduction Plan. Draft plan submitted to the National Marine Fisheries Service and prepared by the Pacific Cetacean Take Reduction Team. 75 p.

Dated: February 10, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 229 is proposed to be amended as follows:

PART 229—AUTHORIZATION FOR COMMERCIAL FISHERIES UNDER THE MARINE MAMMAL PROTECTION ACT OF 1972

1. The authority citation for part 229, subpart C continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.*

2. In subpart C, sections 229.21 and 229.22 are added to read as follows:

§ 229.21 Basis.

Section 118(f)(9) of the Act authorizes the Director, NMFS, to impose regulations governing commercial fishing operations where necessary to implement a take reduction plan to protect or restore a marine mammal stock or species covered by such a plan.

§ 229.22 Pacific Offshore Cetacean Take Reduction Plan.

(a) *Purpose and scope.* The purpose of this section is to implement the Pacific Offshore Cetacean Take Reduction Plan. Sections 229.22(a) through (d) apply to all drift gillnet fishing vessels operating out of California or Oregon.

(b) *Extenders.* Extenders (buoy lines) of less than 6 fathoms (36 feet; 10.9 meters) may not be used by drift gillnet vessels operating out of California or Oregon.

(c) *Acoustic deterrent devices.* (1) For the purposes of this subpart, a pinger is defined as an acoustic deterrent device.

(2) NMFS-approved pingers must be used on all vessels, during every set, and during the entire drift gillnet fishing season. A NMFS-approved pinger is an acoustic deterrent device which, when immersed in water, broadcasts a sound frequency range of 10 to 80 kHz at 132 dB re 1 micropascal at 1 meter with a

pulse duration of 300 milliseconds and a pulse rate of 4 seconds.

(3) Pingers must be attached to both the floatline and leadline and spaced no more than 300 feet (90.9 meters) apart. Pingers on the floatline and leadline must be staggered, such that the horizontal distance between a pinger on the floatline and a pinger on the leadline is no more than 150 feet (45.5 meters).

(4) The pingers must be operational and functioning at all times during deployment.

(5) If requested, NMFS may authorize the use of pingers with specifications differing from those set forth in section 229.21(c)(2) for limited, experimental purposes within a single fishing season.

(d) *Skipper education workshops.* After notification from NMFS, vessel operators must attend a Pacific Offshore Cetacean skipper workshop before commencing fishing each fishing season. For purposes of this requirement, the fishing season shall be deemed to begin May 1 and end on January 31 of the following year. NMFS may waive the requirement to attend these workshops by notice to all vessel operators.

[FR Doc. 97-3808 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 424

[I.D. 010997C]

Endangered and Threatened Species and Designation of Critical Habitat; Petition To Designate Critical Habitat for the Atlantic Green and Hawksbill Turtles.

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

ACTION: Notice of receipt of a petition presenting substantial information and request for additional information.

SUMMARY: NMFS announces receipt of a petition to designate critical habitat for the Atlantic green and hawksbill turtles pursuant to the Endangered Species Act of 1973 (ESA). NMFS is soliciting public comment and information on the petition to designate critical habitat.

DATES: Written comments will be accepted through April 15, 1997.

ADDRESSES: Written comments on this announcement may be submitted to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Barbara Schroeder, 301-713-1401, or Charles A. Oravetz, 813-570-5312.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 1996, Ms. Cindy Gines-Sanchez, Esq., on behalf of the Misión Industrial de Puerto Rico, Inc. and Chelonia, The Puerto Rico Herpetological Society, Inc., petitioned NMFS to designate critical habitat for the Atlantic green and hawksbill turtles to include all coastal waters surrounding the islands of the Culebra archipelago, including Isla de Culebra, Cayo Norte, Cayo Ballena, Cayos Geniquí, Isla Culebrita, Arrecife Culebrita, Cayo de Luis Peña, Las Hermanas, El Mono, Cayo Lobo, Cayo Lobito, Cayo Botijuela, Alcarraza, Los Gemelos, and Piedra Steven, from the Mean High Water line out to 3 nautical miles (nm)(4.2 km).

Section 4 of the Endangered Species Act (ESA) and 50 CFR part 424 contain provisions allowing interested parties to petition for the designation of critical habitat. Although the ESA does not require that the time frames outlined in section 4(b) of the ESA be followed for designation of critical habitat for species listed prior to 1982, NMFS will apply those time frames to the referenced petition, as a matter of policy, to the greatest extent practicable.

NMFS has determined that the petition presents substantial information indicating that designation may be warranted. A copy of the information submitted with the petition is available upon request (see **ADDRESSES**).

NMFS will conduct a review to determine if the petitioned action to designate critical habitat is warranted. The determination concerning critical habitat will be made on the best available scientific and commercial data and the economic impacts of such designation. NMFS will make a determination by November 7, 1997, 12 months after receipt of the petition. A notice of finding will be published in the Federal Register and, if the action is warranted, a proposed regulation to implement the action will be included.

Unlike listing a species as endangered or threatened, economic impacts must be considered when designating critical habitat. An area may be excluded from the designation if it is determined that the benefits of an exclusion outweigh the benefits of including the area as critical habitat, and the exclusion will not result in the extinction of the species.

NMFS is soliciting information and comments concerning the petition to

ensure that the review is complete and is based on the best available information. In addition, NMFS is soliciting information and comments concerning other areas in the U.S. Caribbean where the designation of critical habitat for listed sea turtles may be warranted. We request that the information and comments be accompanied by (1) supporting documentation such as maps, biological references or reprints of pertinent publications and (2) the person's name, address and association, institution, or business that the person represents.

Dated: February 10, 1997.

Rolland A. Schmitt,

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 97-3806 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

50 CFR Part 697

[Docket No. 950605148-7018-04; I.D. 091696A]

RIN 0648-AH58

Atlantic Coast Weakfish Fishery; Change in Regulations for the Exclusive Economic Zone

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS requests public comment on proposed regulations for the exclusive economic zone (EEZ) offshore from Maine through Florida that would implement a minimum size limit of 12 inches (30.5 cm) (total length); minimum mesh sizes in the EEZ of 3-1/4 inch (8.3 cm) square stretch mesh or 3 3/4-inch (9.5 cm) diamond stretch mesh for trawls, and 2 7/8-inch (7.3 cm) stretch mesh for gill nets; a bycatch possession limit of 150 lb for fisheries using smaller mesh sizes for any one day or trip, whichever is longer; a prohibition on the use of flynets in the EEZ south of Cape Hatteras; and a requirement that weakfish harvested for commercial purposes in the EEZ be landed only in the following states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, or Florida. In addition, weakfish fishing must be in accordance with a state's laws if the state's regulations are more restrictive than the Federal regulations. The intent of the proposed regulations is to provide protection to the overfished stock of

weakfish, ensure the effectiveness of state regulations, and aid in the rebuilding of the stock.

DATES: Written comments must be received on or before March 17, 1997.

ADDRESSES: Comments on the proposed rule should be sent to, and copies of supporting documents, including a Draft Supplemental Environmental Impact Statement and Regulatory Impact Review (DSEIS/RIR), are available from Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 8484 Georgia Avenue, Suite 425, Silver Spring, MD 20910-3282. NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed regulations. The dates and locations of public hearings will be announced by notice in the Federal Register at least 2 weeks prior to the public hearing dates.

FOR FURTHER INFORMATION CONTACT: Thomas Meyer/Paul Perra, 301-427-2014.

SUPPLEMENTARY INFORMATION:

Background

Section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act), 16 U.S.C. 5101 *et seq.*, states that, in the absence of an approved and implemented Fishery Management Plan (FMP) under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) (Magnuson-Stevens Act), and after consultation with the appropriate Fishery Management Council(s), the Secretary of Commerce (Secretary) may implement regulations to govern fishing in the EEZ (i.e., from 3-200 nautical miles (5.6-370.6 km)). These regulations must be (1) compatible with the effective implementation of an Interstate Fishery Management Plan (ISFMP) developed by the Atlantic States Marine Fisheries Commission (Commission), and (2) consistent with the national standards set forth in section 301 of the Magnuson-Stevens Act (16 U.S.C. 1851).

The Commission adopted a weakfish ISFMP in 1985 and amended the plan in October 1991 and 1994. In 1995, the Commission began development of Amendment 3 to rebuild declining stocks of weakfish. Amendment 3 was adopted by the Commission in 1996. Federal regulations were needed in the EEZ to support the Commission's effort to protect weakfish.

The Mid-Atlantic Fishery Management Council (MAFMC) is the lead Council for developing weakfish regulations in the EEZ. The MAFMC has listed weakfish as a species in need of

management but has not, to date, developed an FMP for the species. The MAFMC has indicated that, because of its heavy workload managing other species, the development of a Federal weakfish plan would not be possible this year. Therefore, Federal actions authorized by the Atlantic Coastal Act remain the most effective means of instituting management measures in the EEZ that will support the Commission's ISFMP for weakfish (Weakfish Plan).

On November 27, 1995, the Secretary, after consultations with the Commission, the New England, Mid-Atlantic, and South Atlantic Fishery Management Councils, and the U.S. Fish and Wildlife Service implemented a final rule (published at 60 FR 58246) to impose a moratorium on fishing for weakfish in the EEZ in accordance with the Atlantic Coastal Act. However, the rule was invalidated by the U.S. Federal District Court, Norfolk, VA, on February 16, 1996. The basis for the court's decision was that Amendment 2 to the Weakfish Plan did not contain recommendations to the Secretary on management in the EEZ and, therefore, cannot be considered a valid FMP under the Atlantic Coastal Act. The moratorium was not enforced as of February 16, 1996, and the regulations implementing the moratorium were formally suspended on July 3, 1996 (61 FR 34746). The Atlantic Coastal Act was amended on October 11, 1996, by section 404 of the Sustainable Fisheries Act. The revision removed the requirement that a Commission Coastal Fishery Management Plan must contain a recommendation to the Secretary on management in the EEZ.

Amendment 3 to the Weakfish Plan was adopted by the Commission in May 1996 and included the Commission's recommendation that the Secretary take the following steps by October 1, 1996, concerning management of weakfish in the EEZ:

1. Require a minimum weakfish size of 12 inches (30.5 cm) total length.
2. Require that weakfish harvested in the EEZ be landed in accordance with the landing laws of the state in which they are landed, with the exception that weakfish caught in the EEZ may not be landed in a "de minimis" state (a state where the landings are so low that the Commission's Weakfish Fisheries Management Board has exempted that state from some of its regulatory responsibilities under the Weakfish Plan).
3. Require minimum mesh sizes in the EEZ, consistent with a 12-inch (30.5-cm) minimum fish size. Non-directed fisheries using smaller mesh sizes may possess no more than 150 lb of weakfish

during any one day or trip, whichever is longer.

4. Require the use of flynets in EEZ waters south of Cape Hatteras to be consistent with adjacent state regulations.

Purpose

Weakfish (*Cynoscion regalis*), a member of the family Sciaenidae, is considered a single stock along the Atlantic coast, ranging from Maine to Florida. The species is most abundant in shallow coastal and estuarine waters from North Carolina to New York. The center of weakfish abundance in the winter ranges from North Carolina southward and in the summer from Delaware northward. Weakfish are taken both in directed fisheries and as a bycatch in other fisheries.

Weakfish populations are overfished; total landings have declined yearly, from 35,667 mt (78.6 million lb) in 1980 to 3,573 mt (7.9 million lb) in 1994, before increasing slightly in 1995 to 3,933 mt (8.7 million lb).

The fishing mortality rate (F) for age 2–7+ weakfish averaged 1.90 for the period 1991–1994, (i.e., 80 percent of the population was harvested each year), which is about four times the rate that would protect and rebuild the stock. In Amendment 3 to the Weakfish Plan, the Commission recommended an F rate of 0.50 to rebuild the stock. Since 1979, F has only been below 1.0 twice; in 1979, the F rate was 0.40, and in 1982, the F rate was 0.87.

Concurrent with high fishing mortality, in recent years the weakfish stock has exhibited a reduction in spawning stock biomass. In 1994 and 1995, only 5 percent of the population achieved spawning age, far short of the 20 percent or greater needed to sustain and rebuild the stock. There has been a severe reduction in the number of age classes (age 4 or older) in the population since 1989. Recruitment studies conducted at different areas along the coast show juvenile recruitment in 1993 to be at its lowest levels since these studies were begun; 1994 showed a slight increase, while 1995 showed a nine-fold increase. Therefore, recruitment to the stock remains variable and fluctuating.

The proposed rule would implement a minimum-size limit of 12 inches (30.5 cm) in total length (measured as a straight line along the bottom of the fish from the tip of the lower jaw with the mouth closed to the end of the lower tip of the tail) in the EEZ; require minimum mesh sizes in the EEZ of 3 1/4-inch (8.3 cm) square stretch mesh or 3 3/4-inch (9.5 cm) diamond stretch mesh for trawls, and 2 7/8-inch (7.3 cm) stretch

mesh for gillnets; require that fisheries using smaller mesh sizes possess no more than 150 lb of weakfish bycatch during any one day or trip, whichever is longer; prohibit the use of flynets in the EEZ south of Cape Hatteras; and require that weakfish harvested for commercial purposes in the EEZ be landed only in the following states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, or Florida. In addition, weakfish fishing must be in accordance with a state's laws if the state's regulations are more restrictive than the Federal regulations.

In Amendment 3, the Commission recommended that the Secretary prohibit flynets south of Cape Hatteras. The flynet is a relatively recent development, which has progressed from a "high rise" type shrimp net of the late 1960s to its present form. Flynets are modified trawl nets with large mesh in the wings and mid-section of the trawl. They have short, smaller-mesh tail bags and usually extra floatation devices (floats, kites, or paravanes) on the headrope. Flynets are further described as modified trawl nets with any part of the body (belly) section having more than 10 continuous meshes of 7-inch (17.8 cm) or greater stretched mesh (webbing) behind the bottom and top line with tailbags less than 15 ft (4.6 m) in length. However, since other trawl nets can be modified in numerous ways to mimic the fishing ability of flynets, for the purpose of this regulation, it is easier to describe what flynets are not. Flynets are not shrimp trawls with certified BRDs or trawl nets that comply with gear restrictions specified at 50 CFR 648.104 for the summer flounder fishery and contain an approved TED as defined at 50 CFR 217.12. These two trawl net types are the only trawls allowed in the area closed to flynets. The South Atlantic Fishery Management Council (SAFMC) has submitted Amendment 2 (Bycatch Reduction) to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (Shrimp Plan) for Secretarial review. A proposed rule was published on January 6, 1997 (62 FR 720), that would implement a program to certify specific types of BRDs for shrimp trawls. Since regulations for Amendment 2 to the Shrimp Plan are still in the proposed rule stage, this weakfish proposed rule restates the requirements for BRDs that appeared in the Shrimp Plan Amendment 2 proposed rule. If Amendment 2 to the Shrimp Plan is approved, and the final rule for the Shrimp Plan is published,

the weakfish final rule will cite the relevant part and section in the Code of Federal Regulations containing the Shrimp Plan regulations and will not include language that describes each certified BRD in the weakfish regulations.

The two differences between what the Commission recommended in Amendment 3 for regulations in the EEZ and the proposed Federal regulations are: (1) Weakfish harvested for commercial purposes in the EEZ may be landed only in jurisdictions that are declared participants in the Commission's Weakfish Plan; this would prohibit weakfish caught in the EEZ from being landed in the states of Maine, New Hampshire, Pennsylvania, or in Washington, DC. These states and Washington, DC, in addition to South Carolina and Georgia, which were granted *de minimis* status from the Commission under Amendment 3 to the Weakfish Plan, represent the six jurisdictions in which weakfish caught in the EEZ may not be landed.

This action supports the Commission's Weakfish Plan by not allowing any "loopholes" in the ability of the plan to control the commercial fishery. Under the Weakfish Plan, individual states control commercial landings by the use of seasons and/or gear. *De minimis* states and states that are not declared participants in the Weakfish Plan are relieved of these seasonal and/or gear and reporting requirements; lack of these requirements could lead to uncontrolled commercial landings of EEZ-caught weakfish in these states. These landings would undermine the individual state's ability and the Weakfish Plan's ability to control the commercial fishery. It is unlikely that weakfish caught commercially in the EEZ would be transported for sale to the states along the Gulf of Mexico or any foreign port but, in the event this occurs, NMFS would act to curtail this activity; and (2) if a state has implemented more restrictive weakfish conservation measures in state waters than those proposed for the EEZ, the state's more restrictive regulations will apply to weakfish caught in the EEZ when they are landed in that state.

The proposed rule would provide an initial step to protect the stock and supports the efforts by the Commission and its member states to rebuild the stock; it would provide protection for young Atlantic Coast weakfish in the EEZ, especially south of Cape Hatteras, by implementing supportive measures that match state regulations as requested by the Commission's Weakfish Plan (North Carolina does not allow

flynetting in the EEZ south of Cape Hatteras but can only enforce this regulation in the EEZ on flynetters registered in the State of North Carolina); it would help states to enforce their weakfish regulations by only allowing the landing of commercially caught weakfish in the above-mentioned states that have commercial seasons and only during their commercial weakfish fishing season; it allows state regulations that are more restrictive than those proposed for the EEZ to apply to weakfish caught in the EEZ when they are landed in that state; and it is consistent with the national standards of the Magnuson-Stevens Act.

Additional background for this rule is available and contained in a DSEIS/RIR prepared by NMFS for this rule (see ADDRESSES).

Classification

The Assistant Administrator for Fisheries has preliminarily determined that these actions are compatible with the effective implementation of the Commission's coastal fishery management plan, and consistent with the national standards of the Magnuson-Stevens Act. The Secretary, before making the final determinations, will take into account the data, views, and comments received during the comment period.

Five different alternatives to regulate the harvest of weakfish in the EEZ were examined in the DSEIS/RIR. Alternative D, which applies compatible Federal regulations in the EEZ, provides the greatest support for the Commission's Weakfish Plan. Alternatives prohibiting the harvest and possession or harvest only in the EEZ were also considered, as well as alternatives establishing separate specific regulations in the EEZ, applying state regulations in the EEZ, or doing nothing at all. NMFS determined that, among the alternatives analyzed, the Federal measures discussed above are the most appropriate measures to support the Commission's Weakfish Plan. NMFS is interested in comments on the alternatives examined in the DSEIS/RIR and any other appropriate measures to achieve the stated goal.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration as follows:

I certify that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed rule would implement a minimum size limit of 12 inches (total length); a minimum mesh sizes in the EEZ of 3 1/4-inch square stretch mesh or 3 3/4-inch

diamond stretch mesh for trawls, and 2 7/8-inch stretch mesh for gill nets; a bycatch possession limit of 150 lb for fisheries using smaller mesh sizes for any one day or trip, whichever is longer; a prohibition on the use of flynets in the EEZ south of Cape Hatteras; and a requirement that weakfish harvested commercially in the EEZ be landed only in the following states: Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and Florida and in accordance with the states' landing laws if their regulations are more restrictive than the EEZ Federal regulations. The intent of the proposed regulations is to provide protection to the overfished stock of weakfish, ensure the effectiveness of state regulations, and to aid in the rebuilding of the stock.

The entire commercial weakfish fishery in the EEZ in 1995 was valued at \$1.2 million. The value had previously ranged from a low of \$240,022 in 1972 to a high of \$3.5 million in 1982 (averaging \$1.7 million for 1972-1994). North Carolina dominated the weakfish commercial catch by harvesting 68 percent of all the weakfish caught in the EEZ in 1993. In the North Carolina fishery, flynet trawls harvest the majority of the fish, but the number of boats has declined from 20-25 to 11-15 over the last few years. Likewise, the number of gillnet boats has declined from over 70 to approximately 10-15 boats. These declines have occurred primarily due to the lack of weakfish as the fishermen have directed on other species such as dog fish sharks, flounder, and croaker. This proposed rule will result in these 11-15 flynet boats to either move shoreward to state waters or directing their fishing effort on other species in the EEZ, which will mitigate any economic effects of this rule. The greatest threat to small business entities is the lack of meaningful weakfish regulations that will aid in the rebuilding of the weakfish stock. This proposed rule will allow the rebuilding of the weakfish stock.

As a result, a regulatory flexibility analysis was not prepared. Further information is available in the DSEIS/RIR (See ADDRESSES).

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

List of Subjects in 50 CFR Part 697

Fisheries, Fishing.

Dated: February 10, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR Chapter VI, part 697, is proposed to be revised to read as follows:

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

Sec.

697.1 Purpose and scope.

697.2 Definitions.

697.3 Relation to the Magnuson-Stevens Act.

697.4 Relation to state law.

697.5 Civil procedures.

697.6 Specifically authorized activities.

697.7 Prohibitions.

Authority: 16 U.S.C. 5101 *et seq.*; 16 U.S.C. 1851 note.

§ 697.1 Purpose and scope.

The regulations in this part implement section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 *et seq.*, and section 6 of the Atlantic Striped Bass Conservation Act Appropriations Authorization, 16 U.S.C. 1851 note, and govern fishing in the EEZ on the Atlantic Coast for species covered by those acts.

§ 697.2 Definitions.

In addition to the definitions in § 600.10 of this chapter, the terms in this part have the following meanings:

Atlantic striped bass means members of stocks or populations of the species *Morone saxatilis* found in the waters of the Atlantic Ocean north of Key West, FL.

Block Island Southeast Light means the aid to navigation light located at Southeast Point, Block Island, RI, and defined as follows: Located at 40°09.2'N. lat., 71°33.1'W. long; is 201 ft (61.3 m) above the water; and is shown from a brick octagonal tower 67 ft (20.4 m) high attached to a dwelling on the southeast point of Block Island, RI.

BRD means bycatch reduction device.

Certified BRDs means any of the following BRDs: Extended Funnel BRD, Expanded Mesh BRD, and Fisheye BRD.

Commercial purposes - means for the purpose of selling or bartering all or part of the fish harvested.

Commission means the Atlantic States Marine Fisheries Commission established under the interstate compact consented to and approved by Congress in Public Laws 77-539 and 81-721.

Continuous transit means that a vessel does not have fishing gear in the water and remains continuously underway while in the EEZ.

De minimis state means any state where the landings are so low that the Commission's Fisheries Management Board has exempted that state from some of its regulatory responsibilities under an Interstate Fishery Management Plan.

Directed fishery means any vessel/person fishing for a stock using gear or strategies intended to catch a given target species, group of species, or size class. For the purpose of this regulation, any vessel/person targeting weakfish.

Expanded mesh BRD means a BRD that is constructed and installed exactly the same as the standard size extended funnel BRD, except that one side of the funnel is not extended to form a lead panel.

Extended funnel BRD means a BRD that consists of an extension with large-mesh webbing in the center (the large-mesh escape section) and small-mesh webbing on each end, held open by a semi-rigid hoop. A funnel of small-mesh webbing is placed inside the extension to form a passage for shrimp to the codend. It also creates an area of reduced water flow to allow for fish escapement through the large mesh. One side of the funnel is extended vertically to form a lead panel and area of reduced water flow. There are two sizes of extended funnel BRDs, a standard size and an inshore size for small trawls.

(1) *Minimum construction and installation requirements for standard size*—(i) *Extension material*. The small-mesh sections used on both sides of the large-mesh escape section are constructed of 1 5/8-inch (4.13 cm), No. 30 stretched mesh, nylon webbing. The front section is 120 meshes around by 6 1/2 meshes deep. The back section is 120 meshes around by 23 meshes deep.

(ii) *Large-mesh escape section*. The large-mesh escape section is constructed of 8 to 10-inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) in length by 95 inches (241.3 cm) in circumference. The leading edge is attached to the 6 1/2-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(iii) *Funnel*. The funnel is constructed of 1 1/2-inch (3.81 cm), stretched mesh, No. 30 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 34 to 36 inches (86.4 to 91.4 cm) long and the opposite side of the funnel extends an additional 22 to 24 inches (55.9 to 61.0 cm). The leading edge of the funnel is attached three meshes forward of the leading edge of the large-mesh escape section. Seven meshes of the short side of the funnel are attached to the back section of extension webbing on the top and bottom eight meshes back from the trailing edge of the large-mesh escape section. The extended side of the funnel is attached on a slight angle to the top and bottom of the back extension webbing.

(iv) *Semi-rigid hoop*. A 30-inch (76.2 cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a 3/8-inch (9.53 mm)

micropress sleeve, is installed five meshes behind the trailing edge of the large-mesh escape section. The extension webbing must be laced to the ring around the entire circumference and must be equally distributed on the hoop; that is, 30 meshes must be evenly attached to each quadrant.

(v) *Installation*. The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph (1)(ii) of this definition, must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The codend of the trawl net is attached to the trailing edge of the BRD.

(2) *Minimum construction and installation requirements for inshore size*—(i) *Extension material*. The small-mesh sections used on both sides of the large-mesh escape section are constructed of 1 3/8-inch (3.5 cm), No. 18 stretched mesh, nylon webbing. The front section is 120 meshes around by 6 1/2 meshes deep. The back section is 120 meshes around by 23 meshes deep.

(ii) *Large-mesh escape section*. The large-mesh escape section is constructed of 8 to 10-inch (20.3 to 25.4 cm), stretched mesh, webbing. This section is cut on the bar to form a section that is 15 inches (38.1 cm) by 75 inches (190.5 cm) in circumference. The leading edge is attached to the 6 1/2-mesh extension section and the rear edge is attached to the 23-mesh extension section.

(iii) *Funnel*. The funnel is constructed of 1 3/8-inch (3.5 cm), stretched mesh, No. 18 depth-stretched and heat-set polyethylene webbing. The circumference of the leading edge is 120 meshes and the back edge is 78 meshes. The short side of the funnel is 30 to 32 inches (76.2 to 81.3 cm) long and the opposite side of the funnel extends an additional 20 to 22 inches (50.8 to 55.9 cm). The leading edge of the funnel is attached three meshes forward of the leading edge of the large-mesh escape section. Seven meshes of the short side of the funnel are attached to the back section of extension webbing on the top and bottom eight meshes back from the trailing edge of the large mesh section. The extended side of the funnel is attached on a slight angle to the top and bottom of the back extension webbing.

(iv) *Semi-rigid hoop*. A 24-inch (61.0 cm) diameter hoop constructed of plastic-coated trawl cable, swaged together with a 3/8-inch (9.53 mm) micropress sleeve, is installed five meshes behind the trailing edge of the large-mesh section. The extension webbing must be laced to the ring around the entire circumference and

must be equally distributed on the hoop, that is, 30 meshes must be evenly attached to each quadrant.

(v) *Installation*. The extended funnel BRD is attached 8 inches (20.3 cm) behind the posterior edge of the TED. If it is attached behind a soft TED, a second semi-rigid hoop, as prescribed in paragraph (1)(iii) of this definition, must be installed in the front section of the BRD extension webbing at the leading edge of the funnel. The codend of the trawl net is attached to the trailing edge of the BRD.

Fish, when used as a verb, for the purposes of this part, means any activity that involves:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support or, or in preparation for, any activity described in paragraph (1), (2), or (3) of this definition.

Fisheye BRD means a BRD that is a cone-shaped rigid frame constructed from aluminum or steel rod of at least 1/4-inch (0.64 cm) diameter, which is inserted into the codend to form an escape opening. Fisheyes of several different shapes and sizes have been tested in different positions in the codend. The fisheye has a minimum opening dimension of 5 inches (12.7 cm) and a minimum total opening area of 36 square inches (91.4 square cm). The fisheye must be installed in the codend of the trawl to create an opening in the trawl facing in the direction of the mouth of the trawl no farther forward than 11 ft (3.4 m) from the codend tie-off rings.

Flynets, for the purpose of this part, means any trawl net, except shrimp trawl nets containing certified BRDs, and except trawl nets that comply with the gear restrictions specified at § 648.104 of this chapter for the summer flounder fishery and contain an approved TED, as defined at § 217.12 of this title.

Land means to begin offloading fish, to offload fish, or to enter port with fish.

Montauk Light means the aid to navigation light located at Montauk Point, NY, and defined as follows: Located at 41°04.3'N. lat., 71°51.5'W. long.; is shown from an octagonal, pyramidal tower, 108 ft (32.9 m) high; and has a covered way to a dwelling.

Point Judith Light means the aid to navigation light located at Point Judith, RI, and defined as follows: Located at 41°21.7'N. lat., 71°28.9'W. long.; is 65 ft (19.8 m) above the water; and is shown

from an octagonal tower 51 ft (15.5 m) high.

Retain means to fail to return Atlantic striped bass or weakfish to the sea immediately after the hook has been removed or the fish has otherwise been released from the capture gear.

Shrimp trawl net means any trawl net that is rigged for fishing and has a mesh size less than 2.50 inches (6.35 cm), as measured between the centers of opposite knots when pulled taut, and each try net that is rigged for fishing and has a headrope length longer than 16.0 ft (4.9 m).

TED (turtle excluder device) means a device designed to be installed in a trawl net forward of the codend for the purpose of excluding sea turtles from the net.

Try net, also called test net, means a net pulled for brief periods by a shrimp trawler to test for shrimp concentrations or determine fishing conditions (for example, presence or absence of bottom debris, jellyfish, bycatch, seagrasses, etc.).

Weakfish means members of the stock or population of the species *Cynoscion regalis*, found along the Atlantic Coast from southern Florida to Massachusetts Bay.

§ 697.3 Relation to the Magnuson-Stevens Act.

The provisions of sections 307 through 311 of the Magnuson-Stevens Act, as amended, regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement apply with respect to the regulations in this part, as if the regulations in this part were issued under the Magnuson-Stevens Act.

§ 697.4 Relation to state law.

The regulations in this part do not preempt more restrictive state laws, or

state enforcement of more restrictive state laws, with respect to weakfish fishing.

§ 697.5 Civil procedures.

The civil procedure regulations at 15 CFR part 904 apply to civil penalties, permit sanctions, seizures, and forfeitures under the Atlantic Striped Bass Act and the Atlantic Coastal Act, and the regulations in this part.

§ 697.6 Specifically authorized activities.

NMFS may authorize, for the acquisition of information and data, activities that are otherwise prohibited by the regulations in this part.

§ 697.7 Prohibitions.

(a) *Atlantic Coast weakfish fishery*. In addition to the prohibitions set forth in § 600.725 of this chapter, the following prohibitions apply. It is unlawful for any person to do any of the following:

(1) Fish for, harvest, or possess any weakfish less than 12 inches (30.5 cm) in total length (measured as a straight line along the bottom of the fish from the tip of the lower jaw with the mouth closed to the end of the lower tip of the tail) from the EEZ.

(2) Fail to return to the water immediately, with the least possible injury, any weakfish less than 12 inches (30.5 cm) in total length taken within the EEZ.

(3) Fish for weakfish in the EEZ with a minimum mesh size less than 3 1/4-inch (8.3 cm) square stretch mesh or 3 3/4-inch (9.5-cm) diamond stretch mesh for trawls and 2 7/8-inch (7.3 cm) stretch mesh for gill nets.

(4) To possess more than 150 lb of weakfish during any one day or trip, whichever is longer, in the EEZ when using a mesh size less than 3 1/4-inch (8.3 cm) square stretch mesh or 3 3/4-inch (9.5 cm) diamond stretch mesh for

trawls and 2 7/8-inch (7.3 cm) stretch mesh for gill nets.

(5) To fish for weakfish using a flynet in the EEZ in the area south of the line defined by a point beginning at 35°15.3'N. lat., 75°27.3'W. long. (3 nm east of Cape Hatteras Light) and extending due eastward (090 degrees true) 197 nm.

(6) To land weakfish for commercial purposes caught in the EEZ in any state other than Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Washington DC, Virginia, North Carolina, or Florida.

(b) *Atlantic striped bass fishery*. In addition to the prohibitions set forth in § 600.725 of this chapter, the following prohibitions apply. It is unlawful for any person to do any of the following:

(1) Fish for Atlantic striped bass in the EEZ.

(2) Harvest any Atlantic striped bass from the EEZ.

(3) Possess any Atlantic striped bass in or from the EEZ, except for the following area: The EEZ within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, NY, and Block Island Southeast Light, Block Island, RI; and west of a line connecting Point Judith Light, Point Judith, RI, and Block Island Southeast Light, Block Island, RI. Within this area, possession of Atlantic striped bass is permitted, provided no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

(4) Fail to return to the water immediately, with the least possible injury, any Atlantic striped bass taken within the EEZ.

[FR Doc. 97-3705 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

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

Agricultural Research Service

Notice of Intent To Prepare an Environmental Impact Statement for the Development of Wind Energy at Plum Island Animal Disease Center

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The United States Department of Agriculture (USDA), Agricultural Research Service (ARS) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to § 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, in accordance with the Council on Environmental Quality regulations for implementing NEPA (40 CFR Parts 1500-1508), USDA NEPA procedures (7 CFR Part 1b), and ARS NEPA procedures (7 CFR Part 520). This Environmental Impact Statement will evaluate potential impacts of alternate means of reducing energy consumption, meeting heating and cooling energy needs, and supplying electrical power to USDA facilities at Plum Island Animal Disease Center (PIADC), located in Suffolk County, Long Island, New York. ARS invites other Federal agencies, states, Indian tribes, local governments, and the general public to submit written comments or suggestions concerning the scope of the issues to be addressed, alternatives to be analyzed, and the environmental impacts to be addressed in the Draft Environmental Impact Statement. The public is invited to participate in scoping activities including one or more scoping meetings through which comments and suggestions will be received. Oral and written comments will be considered equally in preparation of the Draft Environmental Impact Statement. Those not desiring to submit comments or

suggestions at this time, but who would like to receive a copy of the Draft Environmental Impact Statement for review when it is issued, should write to Mr. Carlos M. Santoyo at the address below. When the Draft Environmental Impact Statement is complete, its availability will be announced in the Federal Register and in the local news media. A public hearing will be held, and comments will be solicited on this document.

DATES: All comments received or postmarked by May 2, 1997, will be considered in scoping and preparation of the Draft Environmental Impact Statement. ARS will consider comments received or postmarked after that date to the extent practicable. ARS will conduct public scoping meetings in the potentially affected areas (including Southold or Orient, New York and Old Saybrook or New London, Connecticut) to assist in defining the appropriate scope of the Draft Environmental Impact Statement and identifying significant environmental issues to be addressed. The dates, times, and specific locations of the scoping meetings/workshops will be announced in the local media at least 15 days before the meetings.

FOR FURTHER INFORMATION CONTACT: For further information on this EIS and the public scoping process, contact Carlos M. Santoyo at the address and telephone numbers listed below.

ADDRESSES: Please direct written comments or suggestions on the scope of the Draft Environmental Impact Statement, requests to speak at public scoping meetings and workshops, or questions concerning the project to: Carlos M. Santoyo, USDA, ARS, NAA, PIADC, P.O. Box 848, Greenport, New York 11944-0848, (516) 323-2500, Extension 210, Fax: (516) 323-2507, Internet address: windmills@ars.usda.gov.

SUPPLEMENTARY INFORMATION: Plum Island Animal Disease Center (PIADC) is in the Township of Southold, Suffolk County, Long Island, New York. PIADC is located on Plum Island, which is 1.8 miles off the northeast end of Long Island, New York. Plum Island is owned by the Federal government and has an area of 840 acres (1.3 square miles). It is about 12 miles southwest of New London, Connecticut. The bodies of water surrounding Plum Island include Long Island Sound on the north and Block Island Sound on the south.

The principal mission of PIADC is to conduct research on the prevention, control, and eradication of foreign animal diseases and to develop and maintain diagnostic capability for foreign animal diseases in order to protect this country's animal industries and exports against catastrophic economic losses caused by foreign animal disease agents introduced into the United States. PIADC is shared by two USDA Agencies. ARS is responsible for research and Animal and Plant Health Inspection Service (APHIS) is responsible for diagnosis.

This isolated location is necessary because Pub. L. 496 requires research laboratories for the study of foot-and-mouth disease be located on an island surrounded by navigable water entirely under Federal control and not connected to the mainland by bridge or tunnel. Travel to Plum Island is by government-owned marine vessels from both Old Saybrook, Connecticut, and Orient Point, New York. Due to its remote location, PIADC is substantially self-sufficient, having its own potable water and wastewater treatment systems and harbor facilities; under normal conditions, PIADC relies on Long Island Lighting Company (LILCO) for its supply of electric power through underwater cables, although PIADC's standby generators (fueled by No. 2 or No. 4 fuel oil) are capable of supplying electrical energy demand as needed.

The 1992 Energy Policy Act (EPACT) (Pub. L. 102-486) and Executive Order (E.O.) 12902 of March 8, 1994, established the energy management goals and requirements for the Federal Government. It required each Agency to develop and implement its energy management plan dealing with the use of energy and water. EPACT mandated a 20 percent reduction in energy consumption levels by the Year 2000 and E.O. 12902 increased this goal to 30 percent by the Year 2005. In addition to energy management goals and requirements for Federal Agencies, EPACT established energy savings performance contracting mechanism [§ 155 of EPACT, amending § 801 to § 804 of the National Energy Conservation Policy Act (42 U.S.C. 8287)], a Federal and private-sector partnership whereby an energy service company (ESCO) pays the upfront cost of purchasing and installing new energy-efficient or renewable energy

equipment and the Government repays the ESCO over the life of the ESPC contract. ARS is considering the use of energy savings performance contracting to assist ARS in meeting its compliance with EPACT and E.O. 12902 and securing its own energy supply capabilities.

PIADC's existing electrical baseload is supplied through underwater cables from the grid by Long Island Lighting Company (LILCO). Electrical energy use on Plum Island varies seasonally, with a winter (February 1994) baseload of 1.1 megawatts (MW) and peak load of 1.4 MW and a summer (July 1993) baseload of 1.4 MW and peak load of 2.3 MW. In Fiscal Year 1996, total electrical cost was approximately \$1.2 million based on a total usage of 9850 MWhr. In addition to electricity, PIADC annually consumes 950,000 gallons of heating oil. The heating oil is used in the production of steam for heating and biological decontamination and to fuel the emergency electrical generators.

To meet the requirements of EPACT and E.O. 12902 and to better meet the energy needs of PIADC's facilities, ARS has already implemented some energy efficiency or energy conservation measures (e.g., replacement of incandescent lights with energy efficient lighting, installation of light sensors, replacement of chillers). Through the provisions of energy savings performance contracting, ARS is investigating additional energy conservation measures and alternate means of utilizing renewable energy and reducing its current dependence on fossil fuel-based energy resources.

Preliminary Identification of Alternatives

PIADC proposes to implement energy conservation measures to reduce its consumption of energy by 20 percent by the Year 2000 and by 30 percent by the Year 2005 (in compliance with EPACT and E.O. 12902) and to develop its own electrical and heating and cooling energy generation capabilities to substantially meet its operating demand. Through the provisions of energy savings performance contracting, PIADC will examine energy conservation and supply technologies capable of meeting these demand scenarios, with particular emphasis on technologies that reduce its dependence on fossil fuel-based resources. Based on a favorable preliminary analysis of the wind energy potential on Plum Island conducted by the New York Power Authority (NYPA) in 1995, ARS intends to assess the health and environmental impacts and other issues associated with the use of wind energy on Plum Island. Other

energy conservation and supply technologies, as well as the no action alternative, will be evaluated in the environmental impact statement. At this time, PIADC intends to evaluate:

- Wind energy,
- Solar water heating,
- Thermal storage systems (for heating and cooling),
- Tidal energy,
- Replacement of emergency generators,
- Additional lighting retrofits,
- Water conservation measures, and
- No action.

Since it is possible that ARS might decide to implement a number of these (or additional) measures, the environmental impact statement will assess the health and environmental impact of each alternative individually as well as in various combinations. The no action alternative will assume that none of the energy conservation and supply technologies will be implemented.

Preliminary Identification of Health and Environmental Issues

ARS has identified the following issues for analysis for alternative actions in the Draft Environmental Impact Statement. Additional issues may be identified as a result of the scoping process:

- Impact on air quality.
- Impact on marine water quality and coastal resources.
- Impact on land use.
- Impact associated with transportation.
- Impact on plants, animals, and habitat (e.g., nesting shorebirds and ospreys, freshwater and tidal wetland impact).
- Impact on aesthetic and visual resources (e.g., historic viewsheds)
- Impact on socioeconomic resources (e.g., impact on growth and character of local communities, impact on tourism).
- Noise impact (e.g., to area residents, workers, tourists, and wildlife).
- Impact on archaeological resources.
- Impact on public health.
- Environmental justice impact (i.e., disproportionately high and adverse human health or environmental effects on minority and low-income populations).
- Impact on energy consumption and resource availability.
- Cumulative impacts.

Preliminary Identification of Decision Criteria

In addition to the goals of EPACT and E.O. 12902, ARS will identify and evaluate alternatives using the following supplemental criteria:

- Health and environmental impact of the alternative(s).
- Proven and commercially available energy conservation and generation technologies.
- Life-cycle cost (or economic viability) of the alternative(s).
- Compliance with Federal, State, and local permitting requirements.
- Compliance with PIADC's security and biological safety requirements; and
- Pollution prevention.

The Environmental Impact Statement will focus on the health and environmental impact of alternative decisions but will also report on these supplemental criteria.

ARS invites comments from other Federal Agencies, States, Indian tribes, local governments, and the general public related to the scope of the environmental impact statement including energy conservation and supply technologies and alternatives to be evaluated, health and environmental issues to be evaluated, and the decision criteria ARS intends to use in making its decision.

John A. Crew,

Area Administrative Officer, North Atlantic Area.

[FR Doc. 97-3835 Filed 2-13-97; 8:45 am]

BILLING CODE 3410-03-M

Forest Service

Calypso Timber Sale, Gifford Pinchot National Forest, Skamania County, Washington,

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On September 13, 1990, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Calypso Timber Sale on the Wind River Ranger District of the Gifford Pinchot National Forest was published in the Federal Register (55 FR 37727). The NOI was revised on December 21, 1990 (55 FR 52286). A draft EIS was released for public comment July 1991. A Notice of Availability for the draft EIS was published in the Federal Register on July 26, 1991 (56 FR 34203). Forest Service has decided to cancel the environmental analysis process. There will be no final EIS for the Calypso Timber Sale. The NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this cancellation to Julie Knutson, Integrated Resource Planning Assistant, Wind River Ranger District, 1262 Hemlock

Road, Carson, Washington 98610 or telephone 509-427-3200.

Dated: February 7, 1997.

Ted C. Stubblefield,
Forest Supervisor.

[FR Doc. 97-3728 Filed 2-13-97; 8:45 am]

BILLING CODE 3410-11-M

Dry Smith Timber Sale, Gifford Pinchot National Forest, Lewis County, Washington

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On February 22, 1991, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the Dry Smith Timber Sale on the Packwood Ranger District of the Gifford Pinchot National Forest was published in the Federal Register (56 FR 7336). A draft EIS was released for public comment November 1993. A Notice of Availability for the draft EIS was published in the Federal Register on November 19, 1993 (58 FR 61090). Forest Service has decided to cancel the environmental analysis process. There will be no final EIS for the Dry Smith Timber Sale. The NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this cancellation to Bill Uyesugi, Intergrated Resource Planning Assistant, Packwood Ranger District, 13068 US Highway 12, Packwood, Washington 98361 or telephone 360-497-1100.

Dated: February 7, 1997.

Ted C. Stubblefield,
Forest Supervisor.

[FR Doc. 97-3729 Filed 2-13-97; 8:45 am]

BILLING CODE 3410-11-M

McCoy Timber Sales and Related Projects, Gifford Pinchot National Forest, Lewis and Skamania Counties, Washington

AGENCY: Forest Service, USDA.

ACTION: Cancellation of an environmental impact statement.

SUMMARY: On May 8, 1991, a Notice of Intent (NOI) to prepare an environmental impact statement (EIS) for the McCoy Timber Sales and Related Projects on the Randle Ranger District of the Gifford Pinchot National Forest was published in the Federal Register (56 FR 21352). A draft EIS was released for public comment December 1993. A Notice of Availability for the draft EIS was published in the Federal Register on December 3, 1993 (58 FR 63954).

Forest Service has decided to cancel the environmental analysis process. There will be no final EIS for the McCoy Timber Sales and Related Projects. The NOI is hereby rescinded.

FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this cancellation to Buddy Rose, Integrated Resource Planner, Randle Ranger District, PO Box 670, Randle, Washington 98377 or telephone 360-497-1100.

Dated: February 7, 1997.

Ted C. Stubblefield,
Forest Supervisor.

[FR Doc. 97-3730 Filed 2-13-97; 8:45 am]

BILLING CODE 3410-11-M

Meadow Timber Sales and Associated Activities; Kootenai National Forest, Lincoln County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The USDA, Forest Service, will prepare an Environmental Impact Statement (EIS) to disclose the environmental effects of timber harvest, prescribed fire, road closures, road obliteration, construction of temporary and specified roads in the western portions of the Tobacco River drainage. The Tobacco River drainage is located approximately 38 air miles northeast of Libby, Montana, near the communities of Fortine and Eureka, Montana.

The proposed actions to harvest and reforest timber stands, construct and reconstruct roads, prescribe burning, and restrict roads are being considered together because they represent either connected or cumulative actions as defined by the Council on Environmental Quality (40 CFR 1508.25). The purposes of the project are to provide timber to support local communities, regulate disturbance patterns and natural cycles to provide forest structure to maintain habitat for viable populations, and manage access to protect important wildlife habitat and provide recreational opportunities.

The EIS will tier to the Kootenai National Forest Land and Resource Management Plan and Final EIS of September, 1987, which provides overall guidance for forest management of the area. All activities associated with the proposal will be designed to maintain high quality wildlife, fisheries, and watershed objectives.

DATES: Written comments and suggestions should be received on or before March 17, 1997.

ADDRESSES: The Responsible Official is Edward C. Monnig, District Ranger, Fortine Ranger District, P.O. Box 116, Fortine, Montana, 59918. Written comments and suggestions concerning the scope of the analysis may be sent to him at that address.

FOR FURTHER INFORMATION CONTACT: Joleen Dunham, Project Coordinator, Fortine Ranger District. Phone: (406) 882-4451.

SUPPLEMENTARY INFORMATION: The decision area contains approximately 21,500 acres within the Kootenai National Forest in Lincoln County, Montana. All of the proposed projects would occur on National Forest lands in the western portion of the Tobacco River drainage near Eureka, Montana. The legal location of the decision area is as follows: Sections 8-10, 14-29, and 33-36 of Township 36 North, Range 27 West; Sections 29-33 of Township 36 North, Range 26 West; Sections 4-9, 15-36 of Township 35 North, Range 26 West; Sections 1-3, 10-15, 23-26, and 35-36 of Township 35 North, Range 27 West; Sections 1-25 of Township 34 North, Range 26 West; Sections 1, 2, 11, 12, 13, 14, and 24 of Township 34 North, Range 27 West; and Sections 18, 19, and 30 of Township 34 North, Range 25 West, Principal Montana Meridian.

All proposed activities are outside the boundaries of any roadless area or any areas considered for inclusion to the National Wilderness System as recommended by the Kootenai National Forest Plan or by any past or present legislative wilderness proposals.

The Forest Service to harvest approximately 14 million board feet of timber through application of a variety of harvest methods on approximately 3,026 acres of forest land. An estimated 0.8 miles of temporary road and 3.8 miles of specified road construction would be needed to access timber harvest areas. Approximately 2.4 miles of this new specified road construction would be managed with yearlong restriction to motorized use. An estimated 31 miles of road reconstruction would also be needed to access timber harvest areas. All temporary roads would be obliterated following completion of sale activities. An additional 24 miles of road no longer in use would be obliterated by various methods which include rehabilitation of stream crossings, recontouring, ripping and seeding, and installment of barriers resulting in abandonment. The type of method would be based on site specific conditions. An estimated 33 miles of existing road would be restricted year round to improve watershed conditions, minimize future road maintenance

costs, and to regulate overall open road density to improve big game security. The proposal also includes prescribed burning on approximately 4,200 acres to reduce the potential for future wildfires, prepare sites for regeneration, enhance wildlife habitat, and maintain forest health.

Prescribed harvest treatments in this proposal are as follows:

Regeneration Harvest: Windfirm trees favoring western larch and ponderosa pine would be selected and designated to remain on site as reserve trees. Reserve trees would average about 10 trees per acre in a varied distribution. Reserve trees would include 1–2 acre islands and edge strips of approximately 40 trees per acre that would cover 5–15% of the stand area. All other merchantable trees would be harvested. Reserve trees would remain through the next rotation and form the upper story of a multi-storied stand. Underburning would occur to prepare site for regeneration of new seedlings. This treatment is proposed on 1,127 acres.

Improvement Cut: Stand densities would be reduced to 80–100 square feet of basal area per acre by removing the *lowest quality and least vigorous trees greater than 7 inches* diameter at breast height. Existing snags and large down woody material would be left on site. The remaining trees would provide a fully stocked stand of the best form and vigor to increase future options for higher quality old growth conditions. Underburning would occur to stimulate growth and vigor of shrubs and forbs, and create habitat for flammulated owl and other species that have adapted to open forest conditions. This treatment is proposed on 1,037 acres.

Thin from Below: Stand densities would be reduced to 60–80 square feet of basal area per acre by removing the *lowest quality and least vigorous trees less than 9 inches* diameter at breast height. Existing snags and large down woody material would be left on site. The remaining trees would provide a fully stocked stand to favor past range of species composition. Underburning would occur to help re-establish habitat that was created through past fire regimes. This treatment is proposed on 677 acres.

Patch Cut with Improvement Cut between patches: Harvest openings the size of 5–20 acres would occur in areas of insect and disease pockets and low vigor Douglas-fir thickets. The remainder of the stand would have densities reduced to 80–100 square feet of basal area per acre by removing the *lowest quality and least vigorous trees greater than 7 inches* diameter at breast height. Three entries would take place

throughout a 30-year period using the patch cut treatment removing approximately one-third of the stand area with each entry but retaining a component of mature trees throughout the next rotation as the upper canopy in a two-storied stand. Underburning would occur to stimulate growth and vigor of shrubs and forbs, create habitat for flammulated owl and other species that have adapted to open forest conditions, and re-establish habitat that was created through past fire regimes. This treatment is proposed on 185 acres.

Burning with Slashing: Underburning would be done outside harvest units to reduce fuel loads, provide a stand mosaic and wildlife betterment. The prescription would involve burning during the spring and early summer conditions which provide good smoke dispersion and safe burning conditions. The results would be a stand which includes areas of unburned material with some trees up to 9 inches diameter at breast height killed and up to 10% of the larger trees scorched with approximates past natural fires. This treatment is proposed on 1160 acres.

The Kootenai National Forest Land and Resource Management Plan provides overall management objectives in individual delineated management areas (MA's). The proposed projects encompass five predominant MA's; 3, 11, 13, 15, and 16. Briefly described, MA 3 is managed to provide for opportunities for dispersed recreation activities in a natural-appearing environment using trails and primitive roads for access. MA 11 is managed to maintain or enhance the winter range habitat effectiveness for big-game species and produce a programmed yield of timber. MA 13 is designated to provide special habitat necessary for old growth dependent wildlife. MA 15 focuses upon timber production using various silvicultural practices while providing for other resource values such as soils, air, water, wildlife, recreation, and forage for domestic livestock. MA 16 is managed to produce timber while providing for a pleasing view. Timber harvest is proposed only in MA's 3, 11, 15, and 16. Prescribed burning for fuels and wildlife habitat is the only activity proposed in MA 13. This proposal includes openings greater than 40 acres in MA's 11, 15, and 16 to replicate historic disturbance patterns. If these large openings are included in the final decision, a 60 day public review will be provided during the comment period on the Draft EIS. Approval of the Regional Forester for exceeding the 40 acre limitation for regeneration harvest would be required prior to the signing of the Record of Decision. In addition,

site specific amendments to the Forest Plan regarding open road density in MA 15 and visual quality objectives in MA 16 may be necessary.

The Forest Service will consider a range of alternatives. One of these will be the "no action" alternative in which none of the proposed activities would be implemented. Additional alternatives will examine varying levels and locations for the proposed activities to achieve the proposal's purposes, as well as to respond to the issues and other resource values.

Preliminary Issues: Tentatively, several issues of concern have been identified. These issues are briefly described below:

- Road Closures:** Specific roads will need to be closed to meet road densities for wildlife security and improve watershed conditions. Some individuals are concerned that too many roads are being restricted from public use and existing roads should be left open. What effect will these road closures have on the public's access to recreational areas?
- Old Growth:** Values associated with old growth forests include maintaining old growth dependent species and the aesthetic, spiritual and emotional values which people place on undisturbed stands of old trees. While the Kootenai Forest Plan requires a minimum 10% of the Forest to be retained as Old Growth habitat (MA 13), there is a concern that additional areas of mature interior forest should be protected. What effect will proposed activities have on the old growth habitat and old growth dependent species?
- Timber Supply and Forest Health:** Some individuals are concerned that the Forest Service is not placing enough emphasis on providing goods and services to the public. In addition, there is concern that the health and vigor of forest stands could be improved through more aggressive timber harvest and management. How will the proposed activities improve timber growth and produce economic benefits to the public?
- Re-Introduction of Prescribed Fire:** A key component of the proposal is the use of prescribed fire as a tool to restore the role that wildfires played in the structure of a pre-1900 forest landscape. How will the proposed activities affect the risk of wildfire to resources and private property?
- Public Involvement and Scoping:** On August 15, 1996 an advertisement was placed in the Tobacco Valley News, Eureka, Montana, requesting public comment and information concerning

the Meadow Project Area. In addition, on August 16, 1996 a letter was mailed to approximately 250 individuals comprising the mailing list for the Meadow Project Area requesting written comments. Taking into account the comments received and information gathered during preliminary analysis, it was decided to prepare an EIS for the Meadow Timber Sales and Associated Activities. Comments received prior to this notice will be included in the documentation for the EIS.

This environmental analysis and decision making process will enable additional interested and affected people to participate and contribute to the final decision. The public is encouraged to take part in the process and is encouraged to visit with Forest Service officials at any time during the analysis and prior to the decision. The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies and other individuals or organizations who may be interested in or affected by the proposed action. This input will be used in preparation of the draft and final EIS. The scoping process will include:

- Identifying potential issues.
- Identifying major issues to be analyzed in depth.
- Identifying alternatives to the proposed action.
- Considering additional alternatives which will be derived from issues recognized during scoping activities.
- Identifying potential environmental effects of this project and alternatives (i.e. direct, indirect, and cumulative effects and connected actions).

Estimated Dates for Filing: While public participation in this analysis is welcome at any time, comments received within 30 days of the publication of this notice will be especially useful in the preparation of the Draft EIS. The Draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by August, 1997. At that time, EPA will publish a Notice of Availability of the Draft EIS in the Federal Register. The comment period on the Draft EIS will be a minimum of 45 days from the date the EPA publishes the Notice of Availability in the Federal Register.

The Final EIS is scheduled to be completed by October, 1997. In the Final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental consequences discussed in the Draft EIS and applicable laws, regulations, and policies considered in making a decision regarding the proposal.

Reviewers Obligations: The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives discussed. Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Responsible Official: Edward C. Monnig, District Ranger, Fortine Ranger District, Kootenai National Forest, P.O. Box 116, Fortine, Montana, 59918, is the Responsible Official. As the Responsible Official, I will decide which, if any, of the proposed projects will be implemented. I will document the decision and reasons for the decision in the Record of Decision. That decision will be subject to Forest Service Appeal Regulations.

Dated: February 4, 1997.
Edward C. Monnig,
District Ranger, Fortine Ranger District.
[FR Doc. 97-3800 Filed 2-13-97; 8:45 am]
BILLING CODE 3410-11-M

Water Rights Task Force Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: The Forest Service announces meetings of the Water Rights Task Force established on August 20, 1996, in accordance with the provisions of the Federal Agricultural Improvement and Reform Act of 1996, as amended. The chairman has scheduled the sixth meeting of the Task Force in Denver, Colorado, on March 3, 1997, and the seventh meeting on March 13, 1997, in Portland, Oregon.

DATES: The sixth meeting will be held March 3rd from 8:30 a.m. to 6 p.m. and the seventh meeting will be held March 13th from 8 a.m. to 5 p.m. All times are local.

ADDRESSES: The sixth meeting will be held in the Summit #2 Conference Room of the Denver Airport Fairfield Inn, 6851 Tower Road, Denver, Colorado. The seventh meeting will be held in the Crown Zellerbach Room of the Red Lion Hotel (Jantzen Beach), 909 North Hayden Island Drive, Portland, Oregon.

Send written comments to Eleanor Towns, FACA Liaison, Water Rights Task Force, c/o USDA Forest Service, MAIL STOP 1124, PO Box 96090, Washington, DC 20090-6090. Telephone: (202) 205-1248; Fax: (202) 205-1604.

FOR FURTHER INFORMATION CONTACT: Stephen Glassner, Watershed & Air Management Staff, Telephone: (202) 205-1172; Fax: (202) 205-1096.

SUPPLEMENTARY INFORMATION: The Water Rights Task Force is composed of seven members appointed by Congress and the Secretary of Agriculture to study and make recommendations on issues pertaining to water rights. At the forthcoming meetings, the Task Force will work on its assigned responsibilities. All meetings are open to the public. However, time for the public to address the Task Force will be provided only at the Portland meeting on March 13, 1997, from 3 p.m. to 5 p.m.. Discussion is limited only to Task Force members and Forest Service personnel. Persons who wish to bring water rights matters to the attention of the Task Force may also file written statements with the Forest Service liaison at the address listed earlier in this notice either before or after each meeting.

Notice of the establishment of the Water Rights Task Force was published in the Federal Register on September 11, 1996 (61 FR 47858). The Task Force terminates either in August of 1997 or upon submission of a final report.

Dated: February 7, 1997.

Joan M. Comanor,

Acting Chief.

[FR Doc. 97-3690 Filed 2-13-97; 8:45 am]

BILLING CODE 3410-11-M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: March 17, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202-3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603-7740.

SUPPLEMENTARY INFORMATION: On December 2 and 13, 1996, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (61 F.R. 63820 and 65520) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and service and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and service.

3. The action will result in authorizing small entities to furnish the commodities and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the commodities and service proposed for addition to the Procurement List.

Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Bib Overall, Fleece

8415-00-NSH-0332 (Medium-200 Wt)
8415-00-NSH-0333 (Medium-100 Wt)
8415-00-NSH-0345 (Small-200 Wt)
8415-00-NSH-0346 (Small Long-200 Wt)
8415-00-NSH-0347 (Medium Long-200 Wt)
8415-00-NSH-0348 (Large-200 Wt)
8415-00-NSH-0349 (Large Long-200 Wt)
8415-00-NSH-0350 (X-Large-200 Wt)
8415-00-NSH-0351 (Small-100 Wt)8415-
00-NSH-0352 (Small Long-100 Wt)
8415-00-NSH-0353 (Medium Long-100 Wt)
8415-00-NSH-0354 (Large-100 Wt)
8415-00-NSH-0355 (Large Long-100 Wt)
8415-00-NSH-0356 (X-Large-100 Wt)

(Requirements for the U.S. Army Soldier Systems Command, Natick, MA)

Jacket, Fleece (SH)

8415-00-NSH-0334 (Medium-200 Wt)
8415-00-NSH-0357 (Small-200 Wt)
8415-00-NSH-0358 (Large-200 Wt)
8415-00-NSH-0359 (Large Long-200 Wt)
8415-00-NSH-0360 (X-Large-200 Wt)
8415-00-NSH-0361 (X-Large Long-200 Wt)

(Requirements for the U.S. Army Soldier Systems Command, Natick, MA)

Shirt, Fleece (SH)

8415-00-NSH-0330 (Medium-300 Wt)
8415-00-NSH-0331 (Medium-200 Wt)
8415-00-NSH-0337 (X-Small-300 Wt)
8415-00-NSH-0338 (Small-300 Wt)
8415-00-NSH-0339 (Large-300 Wt)
8415-00-NSH-0340 (X-Large-300 Wt)
8415-00-NSH-0341 (X-Small-200 Wt)
8415-00-NSH-0342 (Small-200 Wt)
8415-00-NSH-0343 (Large-200 Wt)
8415-00-NSH-0344 (X-Large-200 Wt)

(Requirements for the U.S. Army Soldier Systems Command, Natick, MA)

Trousers, Fleece (SH)

8415-00-NSH-0335 (Medium-100 Wt)
8415-00-NSH-0336 (Medium-200 Wt)
8415-00-NSH-0362 (Small-100 Wt)
8415-00-NSH-0363 (Large-100 Wt)
8415-00-NSH-0364 (X-Large-100 Wt)
8415-00-NSH-0365 (Small-200 Wt)
8415-00-NSH-0366 (Large-200 Wt)
8415-00-NSH-0367 (X-Large-200 Wt)

(Requirements for the U.S. Army Soldier Systems Command, Natick, MA)

Service

Grounds Maintenance for the following locations:

Rockville Post Office, 2 West Montgomery Avenue, Rockville, Maryland
Bureau of Alcohol, Tobacco and Firearms, 1401 Research Boulevard, Rockville, Maryland

Consumer Product Safety Commission, 10901 Darnstown Road, Gaithersburg, Maryland

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. 97-3803 Filed 2-13-97; 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 services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: March 17, 1997.

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 services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish

the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46-48c) in connection with the services proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Janitorial/Custodial, VA Outpatient Clinic, Las Vegas, Nevada

NPA: Opportunity Village ARC, Las Vegas, Nevada

Janitorial/Guard Service, VA Outpatient Clinic, Brighton, New York

NPA: Rochester Rehabilitation Center, Rochester, New York

Laundry Service, Cadet Linen Exchange Service, U.S. Air Force Academy, Colorado Springs, Colorado

NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado

Laundry Service, U.S. Air Force Academy Hospital, Colorado Springs, Colorado

NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado

Laundry Service, Cadet Dining Hall, U.S. Air Force Academy, Colorado Springs, Colorado

NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado
Laundry Service, Basewide, United States Air Force Academy, Colorado Springs, Colorado

NPA: Goodwill Industrial Services Corporation, Colorado Springs, Colorado

Operation of SERVMART Store, Naval Air Station, Corpus Christi, Texas

NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas

Beverly L. Milkman,
Executive Director.

[FR Doc. 97-3804 Filed 2-13-97; 8:45 am]

BILLING CODE 6353-01-P

DEPARTMENT OF COMMERCE

Bureau of the Census

1997 National Survey; Proposed Collection

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before April 15, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, 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) should be directed to Cleo R. Jenkins, collection instrument(s) should be directed to Cleo R. Jenkins, Bureau of the Census, Room 3125-4, Washington, DC 20233-9150, (301) 457-4994.

SUPPLEMENTARY INFORMATION:

I. Abstract

The 1997 National Survey is part of the Census Bureau's continuing effort to design Census 2000 mailing packages that are respondent friendly, machine imageable, and cost efficient. Short form mailing packages are sent to the vast majority of the population. These packages request basic information, such as name, sex, date of birth, Hispanic origin, the race of all the household members, and the owner/renter status of the address. Long form mailing packages are sent to only a portion of the population. These packages request additional information over the short form packages, such as information on education, work, disabilities, and housing characteristics. As a result of time constraints, major features of the 1998 Dress Rehearsal mailing packages have been identified and decided upon. The dress rehearsal short form will be a one-page rollfold with icons and messages in reverse print (white text on black background). The long form will be a 32-page booklet with a household roster, and with icons and messages in reverse print. The accompanying envelope will have a reverse-print logo in the upper left-hand corner and the mandatory message with a seal outlined in gold to the left of the address window. Although these mailing packages have been identified as best given the latest research, it is also true that this research is lacking and that important, unanswered questions remain about these designs. Therefore, the 1997 National Survey has been designed to determine the effects of the following:

1. *Icons and benefit messages on both the short and long forms.* Simple icons with short motivating messages in reverse print have been developed for use in the upper corners of the questionnaires. The icons and messages are intended to make respondents feel

good about the census at the very least and encourage response at the best. Although these icons and messages tested relatively well in small-scale, in-house cognitive tests and in targeted focus groups in select cities, we need to ensure that this is true at the national level, especially since literature regarding the use of icons with messages in surveys is non-existent. This survey is designed to determine if icons and messages affect response rates or item non-response rates.

2. *Alternative form structures on the short form.* The forms tested since 1990 have been composed of 17" x 11" sheets of paper stapled together to form 8.5" x 11" page booklets. The newly designed short form is composed of one folded 22" x 11" sheet of paper, which is called a rollfold. Although cognitive research suggests that respondents will be more likely to correctly operate a booklet than a rollfold, booklets are also more expensive to process than rollfolds. Therefore, a test of these trade-offs is needed. This survey is designed to determine if alternative form structures affect response rates or the consistency between the household question and data-defined persons.

3. *A "household count" question versus a household roster on the long form.* The results of the National Content Survey showed that a household roster on the short form does not improve household coverage over a form that contains a "household count" question. However, no testing of a rostered vs. a no-roster form was conducted with the long form. Although the decision has been made to use a rostered long form for the 1998 Dress Rehearsal, questions about whether it will improve coverage or not remain. This survey is designed to compare the item non-response rates between the roster vs. the "household count" question, the consistency in data between the two, and the differences in average household size for the two forms.

4. *A comparison with past tests on the short form.* In light of the dramatic changes that are being incorporated into the 1998 Dress Rehearsal short form mailing package (i.e., new one-sheet format, one-column panels, type of fold, color, and envelope design), it is important that we maintain a benchmark to determine whether the collective effect of these changes continues to move us forward on both response rate and item nonresponse. Therefore, we propose to include the highest performing short form mailing package we have tested to date (Form 1G from the National Content Survey).

5. *Alternative envelope designs on the short form.* We have made some changes in the design of the envelope subsequent to a mailout test (the Appeals and Long Form Experiment) conducted in 1993, in which we learned that a box on the outgoing envelope stating that response is required by law results in an increase of about 10 percentage points in mail response. Although respondents in cognitive interviews and focus groups like the new envelope, it needs to be tested against a known response enhancer, to make sure that the new design does not negatively affect response rates.

The 1997 National Survey is designed to compare the performance of five short form mailing packages: (1) the dress rehearsal mailing package (a one-page rollfold with icons and logo envelope) will serve as the control; (2) the dress rehearsal mailing package *without icons*; (3) the dress rehearsal mailing package as a *booklet*; (4) a slightly modified version of Form DS-1G from the National Content Survey along with the original government envelope; and (5) the dress rehearsal form and original government envelope. The 1997 National Survey will also compare the performance of three long forms: (1) The dress rehearsal form (a 32-page booklet with a household roster and icons) will serve as the control; (2) the dress rehearsal form *without roster*; and (3) the dress rehearsal form *without icons*.

II. Method of Collection

The 1997 National Survey will be a one time mailout/mailback test, consisting of the following independent mailing pieces: a pre-notice letter, a test questionnaire with postage-paid return envelope, a reminder card, and a replacement questionnaire. There will be no telephone or enumeration follow-up.

III. Data

OMB Number: Not available.

Form Numbers: Short form: DV-1A, DV-1B, DV-1C, DV-1D, DV-1E Long form: DV-2A, DV-2B, DV-2C.

Type of Review: Regular submission.

Affected Public: Individuals or households.

Estimated Number of Respondents: There will be a total of 8 panels, each containing 5,000 respondents. Five panels will receive the short form. Three panels will receive the long form.

Estimated Time Per Response: 10 minutes/short form, 38 minutes/long form.

Estimated Total Annual Burden Hours: 13,667 hours.

Estimated Total Annual Cost: \$650,000.

Respondent's Obligation: Mandatory.
Legal Authority: Title 13 U.S.C., Sections 141 and 193.

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 will have practical utility; (b.) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c.) ways to enhance the quality, utility, and clarity of the information to be collected, and (d.) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques of other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 10, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97-3679 Filed 2-13-97; 8:45 am]

BILLING CODE 3501-07-P

Foreign-Trade Zones Board

[Docket 5-97]

Proposed Foreign-Trade Zone—Durant, Oklahoma; Application and Public Hearing

An application has been submitted to the Foreign-Trade Zones Board (the Board) by Rural Enterprises of Oklahoma, Inc., (an Oklahoma not-for-profit corporation), to establish a general-purpose foreign-trade zone in the City of Durant, Oklahoma, at a site that is within 90 miles of the Dallas/Fort Worth Customs port of entry. 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 January 30, 1997. The applicant is authorized to make the proposal under Senate Joint Resolution No. 3 of the

First Session of the 45th Oklahoma Legislature.

The proposed zone is located in southeastern Oklahoma, approximately 10 miles north of the Oklahoma-Texas border. The closest Customs port of entry is Dallas/Fort Worth, Texas. The proposed site is situated on 30 acres within the 280-acre Texoma Industrial Park near U.S. Highway 69/75 in Durant. The property is owned by the City of Durant. The closest existing zone project in Oklahoma is at Oklahoma City some 150 miles to the north.

The application contains evidence of the need for zone services in the Durant area. Several firms have indicated an interest in using zone procedures within the proposed project for-2-warehousing/distribution activity. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

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

As part of the investigation, the Commerce examiner will hold a public hearing on March 6, 1997 at 9:00 a.m., at the Robert L. Williams Public Library, 323 West Beech, Durant, Oklahoma 74701.

Public comment on the application 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 March 21, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 7, 1997.

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

Office of Rural Enterprises of Oklahoma, Inc., 422 Cessna, Durant, Oklahoma 74701

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

Dated: February 7, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97-3790 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-DS-P

International Trade Administration

[A-570-848]

Notice of Postponement of Preliminary Determination of Sales at Less Than Fair Value: Freshwater Crawfish Tail Meat From the People's Republic of China

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

EFFECTIVE DATE: February 14, 1997.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor, Elisabeth Urfer or Maureen Flannery, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-0666, (202) 482-4052, or (202) 482-3020, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Rounds Agreements Act (URAA).

Postponement of Preliminary Determination

We have determined that this investigation is extraordinarily complicated within the meaning of section 733(c)(1)(B)(i) of the Act, due to the large number of potential respondents in this investigation, and a request that we consider the PRC crawfish tail meat industry to be a market-oriented industry.

Furthermore, we have determined that the parties concerned are cooperating, as required by section 733(c)(1)(B) of the Act, and that additional time is necessary to make this preliminary determination in accordance with section 733(c)(1)(B) of the Act.

For these reasons, the deadline for issuing the preliminary determination in this case is now no later than March 19, 1997.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: February 7, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement III.

[FR Doc. 97-3791 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-05-P

National Oceanic and Atmospheric Administration**Northeast Region Federal Fisheries Permits Family of Forms**

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before April 15, 1997.

ADDRESSES: Direct all written comments to Linda Engelmeier, Acting Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Andrew A. Rosenberg Ph.D., Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930.

SUPPLEMENTARY INFORMATION:**I. Abstract**

Framework Adjustment 9 to the Atlantic Sea Scallop Fishery Management Plan of the Northeast Region would exempt general sea scallop permit holders fishing exclusively under the State Waters Exemption Program from a limit of 400 lbs. of scallops per trip. Persons wishing to fish under this exemption would have to notify NOAA at least 7 days prior to fishing under the exemption as well as when they are returning to fish in Federal waters.

II. Method of Collection

Notifications would be by phone. In the future vessel tracking systems may automatically report from the vessel.

III. Data

OMB Number: 0648-0202.

Form Number: None.

Type of Review: Regular Submission.

Affected Public: Individuals, businesses (scallop fishermen).

Estimated Number of Respondents: 567.

Estimated Time Per Response: 2 minutes per call.

Estimated Total Annual Burden Hours: 37.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 6, 1997.

Linda Engelmeier,

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

[FR Doc. 97-3709 Filed 2-13-95; 8:45 am]

BILLING CODE 3510-22-P

[I.D. 020697B]**Pacific Fishery Management Council; Public Meetings**

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Council) and its advisory entities will hold public meetings.

DATES: The Council meeting will be held March 4-7, 1997. Various advisory groups will be meeting on Monday, March 3.

The Council meeting will begin on Tuesday, March 4, at 8 a.m. in a closed session (not open to the public) to discuss litigation. The open session begins at 8:30 a.m. The Council meeting reconvenes at 8 a.m. Wednesday, March 5 through Friday, March 7, and will adjourn when Council business has been completed.

ADDRESSES: The meetings will be held at the Red Lion Lloyd Center, 1000 NE Multnomah, Portland, OR 97232; telephone: (503) 281-6111.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR; telephone: (503) 326-6352.

SUPPLEMENTARY INFORMATION: The following items are on the Council agenda:

- A. Call to Order
- B. Salmon Management
 - 1. Review of 1996 Fisheries and Summary of 1997 Stock Abundance Estimates
 - 2. Scientific and Statistical Committee (SSC) Methodology Reviews
 - 3. Preliminary Definition of 1997 Management Options
 - 4. Comprehensive Plan Amendment and Environmental Impact Statement Process
 - 5. Report on the Status of Puget Sound Salmon Stocks
 - 6. Adoption of 1997 Management Options for Analysis
 - 7. Adopt Options for Public Review
 - 8. Schedule of Hearings and Appointment of Hearing Officers
- C. Habitat Issues
 - 1. Report of Steering Group
 - 2. Membership of Steering Group
 - D. Dungeness Crab/Shellfish Management - Determine Whether or not to Develop a Fishery Management Plan
- E. Coastal Pelagic Species Management - Amend or Drop Anchovy Plan
 - F. Groundfish Management
 - 1. Fixed Gear Sablefish Management for 1998 and Beyond
 - 2. Reconsideration of 1997 Fixed Gear Sablefish Management Regime
 - G. Pacific Halibut Management
 - 1. Status of Implementation of Council Recommendations for 1997 Fisheries.
 - 2. Results of International Pacific Halibut Commission Annual Meeting
 - 3. Status of Estimate of Area 2A Bycatch
 - 4. SSC Review of New Assessment Model and Bycatch Compensation Procedure
 - 5. Incidental Catch in the Troll Salmon Fishery
- H. Administrative and Other Matters
 - 1. Report of the Budget Committee
 - 2. Status of Legislation
 - 3. Implementation of Magnuson-Stevens Act
 - 4. Changes to Statement of Organization, Practices, and Procedures
 - 5. Appointments
 - 6. Draft Agenda for April 1997

Other meetings:

The Trawl Buyback Committee will meet on Monday, March 3, at 1 p.m. to begin development of trawl buyback program.

The Salmon Technical Team will convene as necessary Monday, March 3-7 to address salmon management items on the Council agenda.

The Scientific and Statistical Committee will convene on Monday, March 3, at 10 a.m. and Tuesday, March 4, at 8 a.m. to address scientific issues related to Council agenda items.

The Habitat Steering Group will convene on Monday, March 3 at 10 a.m. to address issues affecting the habitat of Council-managed species.

The Salmon Advisory Panel will convene on Monday, March 3, at 9 a.m. and will continue to meet throughout the week as necessary to address salmon management items on the Council agenda.

The Budget Committee will convene on Monday, March 3, at 3 p.m. to review the status of 1996 and 1997 Council budgets.

The Enforcement Consultants meet on Tuesday, March 4 at 7 p.m. to address enforcement issues related to Council agenda items.

The U.S. Coast Guard will hold an open forum to discuss on going enforcement activities on Monday, March 3, at 7 p.m.

Detailed agendas for the above advisory meetings will be available after February 21, 1997.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Eric W. Greene at (503) 326-6352 at least 5 days prior to the meeting date.

Dated: February 10, 1997.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 97-3807 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[I.D. 020397C]

Marine Mammals; Scientific Research Permit No. 1026 (P772#70)

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that Southwest Fisheries Science Center, National Marine Fisheries Service, 8604 La Jolla Shores Drive, La Jolla, California 92038-0271, or its designated agent, has been issued a permit to take marine mammal specimens and parts for the purpose of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment (see **SUPPLEMENTARY INFORMATION** for addresses).

SUPPLEMENTARY INFORMATION: On December 3, 1996, notice was published in the Federal Register (61 FR 64070) that a request for a scientific research permit to take marine mammals had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA, 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 222.25), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Issuance of this permit as required by the ESA, was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the Act.

Addresses: Documents may be reviewed in the following locations:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Arlington, VA 22203 (703/358-2104);

Regional Administrator, Northwest Region, NMFS, 7600 Sandpoint Way, NE BIN C15700, Bldg. 1, Seattle, WA 98115-0070 (206/526-6150);

Regional Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668 (907/586-7221);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (310/980-4001);

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298 (508/281-9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813/570-5301).

Dated: February 4, 1997.

Ann D. Terbush,
Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.

Dated: February 7, 1997.

Margaret Tieger,
Chief, Branch of Permits, Office of
Management Authority, U.S. Fish and
Wildlife Service.

[FR Doc. 97-3706 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 020797D]

Marine Mammals; Permit No. 873 (P773#63)

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

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of scientific research permit no. 873 submitted by the Southwest Fisheries Science Center, NMFS, P.O. Box 271, La Jolla, CA 92038-0271, has been granted.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS,
1315 East-West Highway, Suite 13130,
Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, (310/980-4016).

SUPPLEMENTARY INFORMATION: On December 9, 1996, notice was published in the Federal Register (61 FR 64857) that an amendment of permit no. 873, issued July 28, 1993 (58 FR 34038), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of

1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the Regulations Governing the Taking, Importing, and Exporting of Endangered Fish and Wildlife (50 CFR part 222.23).

Permit no. 873 authorized the permit holder to biopsy several species of cetaceans off the Pacific, Southern, and Indian Oceans, as well as U.S. territorial waters of the Pacific and Southern Oceans and the Gulf of Mexico; and to import biopsy tissues collected outside of U.S. waters. The permit has been amended to authorize the attachment of radio tags to up to 20 sperm whales (*Physeter macrocephalus*) per year in the eastern north Pacific Ocean.

Issuance of this amendment, as required by the ESA, was based on a finding that such amendment: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which are the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 10, 1997.

Ann D. Terbush,
Chief, Permits and Documentation Division,
Office of Protected Resources, National
Marine Fisheries Service.

[FR Doc. 97-3707 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-22-F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products and Silk Apparel Produced or Manufactured in the People's Republic of China

February 10, 1997.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits

EFFECTIVE DATE: February 14, 1997.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927-6703. For information on embargoes and quota re-openings, call (202) 482-3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding dated February 1, 1997, the Governments of the United States and the People's Republic of China agreed to effectuate a Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement and a Silk Apparel Agreement. The textile agreement is for a four-year period, through December 31, 2000; the silk apparel agreement is for a one-year period, through December 31, 1997.

In the letter published below from the Chairman of CITA, the Commissioner of Customs is directed to establish limits for the period beginning on January 1, 1997 and extending through December 31, 1997.

Should China become a member of the World Trade Organization (WTO) and should the United States apply the Agreement establishing the WTO to China, the limits set forth above may be subject to adjustment pursuant to the provisions of the Uruguay Round Agreement on Textiles and Clothing, the Uruguay Round Agreements Act and any administrative arrangements notified to the Textiles Monitoring Body.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 59 FR 15381, published on April 1, 1994; and 61 FR 66263, published on December 17, 1996). Also see 62 FR 1875, published on January 14, 1997.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral, but are designed to assist only in the implementation of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

February 10, 1997.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directive issued to you on January 10, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products and silk apparel, produced

or manufactured in China and exported during the thirteen-month period beginning on January 1, 1996 and extending through January 31, 1997 and the eleven-month period beginning on February 1, 1997 through December 31, 1997. All charges shall be retained.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend, Other Vegetable Fiber Textile and Silk Apparel Agreement of February 1, 1997 between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 14, 1997, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products and silk apparel in the following categories, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1997 and extends through December 31, 1997, in excess of the following restraint limits:

Category	Twelve-month limit ¹	Category	Twelve-month limit ¹
Group I		317/326	20,335,699 square meters of which not more than 3,890,619 square meters shall be in Category 326.
200, 218, 219, 226, 237, 239, 300/301, 313-315, 317/326, 331, 333-336, 338/339, 340-342, 345, 347/348, 350-352, 359-C ² , 359-V ³ , 360-363, 369-D ⁴ , 369-H ⁵ , 369-L ⁶ , 410, 433-436, 438, 440, 442-444, 445/446, 447, 448, 607, 611, 613-615, 617, 631, 633-636, 638/639, 640-643, 644/844, 645/646, 647-652, 659-C ⁷ , 659-H ⁸ , 659-S ⁹ , 666, 669-P ¹⁰ , 670-L ¹¹ , 831, 833, 835, 836, 840, 842 and 845-847, as a group.	1,445,934,222 square meters equivalent.	613	7,306,817 square meters.
Sublevels in Group I		614	11,482,140 square meters.
200	695,664 kilograms.	615	23,903,729 square meters.
218	11,041,519 square meters.	617	16,701,294 square meters.
219	2,311,565 square meters.	631	1,250,447 dozen pairs.
226	10,496,186 square meters.	633	55,657 dozen.
237	1,905,073 dozen.	634	605,513 dozen.
239	2,958,920 kilograms.	635	638,711 dozen.
300/301	2,220,580 kilograms.	636	541,630 dozen.
313	40,700,089 square meters.	638/639	2,388,826 dozen.
314	47,270,847 square meters.	640	1,372,806 dozen.
315	129,835,119 square meters.	641	1,300,450 dozen.
		642	323,121 dozen.
		643	502,309 numbers.
		644/844	3,614,311 numbers.
		645/646	821,788 dozen.
		647	1,539,862 dozen.
		648	1,100,221 dozen.
		649	902,711 dozen.
		650	111,844 dozen.
		651	751,157 dozen of which not more than 132,246 dozen shall be in Category 651-B ¹⁹ .
		652	2,640,248 dozen.
		659-C	397,670 kilograms.
		659-H	2,743,832 kilograms.
		659-S	594,797 kilograms.
		666	3,444,092 kilograms of which not more than 1,225,000 kilograms shall be in Category 666-C ²⁰ .
		669-P	1,941,435 kilograms.
		670-L	15,451,740 kilograms.
		831	524,022 dozen pair.
		833	27,258 dozen.
		835	120,549 dozen.
		836	270,628 dozen.
		840	468,940 dozen.
		842	260,899 dozen.
		845	2,449,680 dozen.
		846	175,578 dozen.
		847	1,234,840 dozen.
		Group II	
		330, 332, 349, 353, 354, 359-O ²¹ , 431, 432, 439, 459, 630, 632, 653, 654 and 659-O ²² , as a group.	122,343,380 square meters equivalent.
		Group III	
		201, 220, 222, 223, 224-V ²³ , 224-O ²⁴ , 225, 227, 229, 369-O ²⁵ , 400, 414, 464, 465, 469, 600, 603, 604-O ²⁶ , 606, 618-622, 624-629, 665, 669-O ²⁷ and 670-O ²⁸ , as a group.	253,782,597 square meters equivalent.
		Sublevel in Group III	
		224-V	3,477,877 square meters.
		225	6,000,000 square meters.
		340	781,557 dozen of which not more than 390,779 dozen shall be in Category 340-Z ¹³ .
		341	677,214 dozen of which not more than 406,329 dozen shall be in Category 341-Y ¹⁴ .
		342	263,960 dozen.
		345	128,517 dozen.
		347/348	2,337,175 dozen.
		350	158,988 dozen.
		351	531,492 dozen.
		352	1,629,153 dozen.
		359-C	576,462 kilograms.
		359-V	856,398 kilograms.
		360	7,391,540 numbers of which not more than 5,041,744 dozen shall be in Category 360-P ¹⁵ .
		361	4,113,290 numbers.
		362	6,966,743 numbers.
		363	20,984,468 numbers.
		369-D	4,570,519 kilograms.
		369-H	4,771,427 kilograms.
		369-L	3,162,962 kilograms.
		410	979,362 square meters of which not more than 785,065 square meters shall be in Category 410-B ¹⁷ .
		433	20,643 dozen.
		434	13,200 dozen.
		435	24,244 dozen.
		436	14,936 dozen.
		438	26,137 dozen.
		440	37,341 dozen of which not more than 21,337 dozen shall be in Category 440-M ¹⁸ .
		442	39,528 dozen.
		443	127,702 numbers.
		444	202,839 numbers.
		445/446	287,470 dozen.
		447	69,916 dozen.
		448	22,056 dozen.
		607	3,114,484 kilograms.
		611	5,163,832 square meters.

Category	Twelve-month limit ¹
Group IV 832, 834, 838, 839, 843, 850-852, 858 and 859, as a group.	11,251,192 square meters equivalent.
Levels not in a Group	
369-S ²⁹	611,378 kilograms.
863-S ³⁰	8,575,651 numbers.
870	32,935,028 kilograms.
Silk Apparel Group 733, 734, 735, 736, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 750, 751, 752, 758 and 759, as a group.	349,565,675 square meters equivalent.
Specific limit within Group	
740 (Men's and boys' shirts, not knit).	3,336,656 dozen.
741 (Women's and girls' shirts/ blouses, not knit).	8,326,303 dozen.

¹ The limits have not been adjusted to account for any imports exported after December 31, 1996.

² Category 359-C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

³ Category 359-V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

⁴ Category 369-D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

⁵ Category 369-H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

⁶ Category 369-L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6090.

⁷ Category 659-C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

⁸ Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

⁹ Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

¹⁰ Category 669-P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

¹¹ Category 670-L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

¹² Category 338-S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339-S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

¹³ Category 340-Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

¹⁴ Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

¹⁵ Category 360-P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.9010, 6302.31.5010, 6302.31.7010, 6302.31.3010, 6302.31.7010 and 6302.31.9010.

¹⁶ Category 410-A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.9000, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

¹⁷ Category 410-B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

¹⁸ Category 440-M: HTS numbers 6203.21.0030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.3020, 6205.90.4020 and 6211.31.0030.

¹⁹ Category 651-B: only HTS numbers 6107.22.0015 and 6108.32.0015.

²⁰ Category 666-C: only HTS number 6303.92.2000.

²¹ Category 359—O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.69.8010, 6114.20.0052, 6203.42.2090, 6211.32.0010, 6211.42.0010 (Category 359—C); 6103.19.2030, 6104.12.0040, 6110.20.1022, 6110.20.2030, 6110.90.9044, 6201.92.2010, 6203.19.1030, 6204.12.0040, 6211.32.0070 and 6211.42.0070 (Category 359—V).

²² Category 659—O: all HTS numbers except 6103.43.2020, 6103.49.2000, 6104.63.1020, 6104.69.1000, 6114.30.3044, 6203.43.2010, 6203.49.1010, 6204.63.1510, 6210.10.9010, 6211.33.0017, 6211.43.0010 (Category 659—C); 6502.00.9030, 6504.00.9015, 6505.90.5090, 6505.90.7090, 6505.90.8090 (Category 659—H); 6112.31.0020, 6112.41.0020, 6112.41.0040, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659—S).

²³ Category 224—V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.25.0010, 5801.26.0010, 5801.31.0000, 5801.34.0000, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

²⁴ Category 224—O: all HTS numbers except 5801.21.0000, 5801.23.0000, 5801.25.0010, 5801.26.0010, 5801.31.0000, 5801.34.0000, 5801.35.0020, 5801.36.0010 and 5801.36.0020 (Category 224—V).

²⁵ Category 369—O: all HTS numbers except 6302.60.0010, 6302.91.0005 and 6302.91.0045 (Category 369—D); 4202.22.4020, 4202.22.4500, 4202.22.8030 (Category 369—H); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015, 4202.92.6090 (Category 369—L); and 6307.10.2005 (Category 369—

²⁶ Category 604—O: all HTS numbers except 5509.32.0000 (Category 604—A).

²⁷ Category 669—O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000 (Category 669—P).

²⁸ Category 670—O: only HTS numbers 4202.22.4030, 4202.22.8050 and 4202.32.9550.

²⁹ Category 369—S: only HTS number 6307.10.2005.

³⁰ Category 863—S: only HTS number 6307.10.2015.

Imports charged to these category limits for the period January 1, 1996 through December 31, 1996 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The conversion factor for merged Categories 638/639 is 12.96 (square meters equivalent/category unit).

Should China become a member of the World Trade Organization and should the United States apply the Agreement establishing the WTO to China, the limits set forth above may be subject to adjustment pursuant to the provisions of the Uruguay Round Agreement on Textiles and Clothing, the Uruguay Round Agreements Act and any administrative arrangements notified to the Textiles Monitoring Body.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 97-3708 Filed 2-10-97; 4:56 pm]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) Demonstration Project in Support of Operation Joint Endeavor

AGENCY: Office of the Secretary, DoD.

ACTION: Notice of a CHAMPUS demonstration project to be continued in support of Operation Joint Endeavor.

SUMMARY: On February 9, 1996, 61 FR 4963, DoD published a Notice of a CHAMPUS demonstration project to be implemented in support of members of the Select Reserve called to active duty under Executive Order 12982 in support of Operation Joint Endeavor. This notice extends the demonstration for the duration of operations under Executive Order 12982.

We believe that the elimination of normally imposed CHAMPUS deductibles for this special group of beneficiaries has eased the potential financial hardship caused by unexpected increases in out-of-pocket health care costs, avoided disruption of continuity and access to care, and minimized beneficiary dissatisfaction in transition from reserve to active status. In light of continued operations, it is our intent to continue the demonstration and accomplish a program evaluation following termination of the Executive Order 12982.

EFFECTIVE DATE: December 8, 1996.

POINT OF CONTACT: Major Kathleen Larkin, Senior Health Policy Analyst, OADS(HA)(HSF Policy), (703) 697-8975.

Dated: February 11, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-3740 Filed 2-13-97; 8:45 am]

BILLING CODE 5000-04-M

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Specialized Treatment Services (STS) Program

AGENCY: Office of the Secretary, DoD.

ACTION: Notice.

SUMMARY: This notice is to advise interested parties that Wilford Hall Medical Center (WHMC) has been designated the national Specialized Treatment Service facility for allogeneic bone marrow transplantation. All DoD beneficiaries who reside in the 48 contiguous United States and require allogeneic bone marrow transplantation,

Diagnosis Related Group 481, ICD 9 Code 41.03, must be evaluated by WHMC before receiving an allogeneic bone marrow transplant under direct military care of CHAMPUS cost sharing, except for those beneficiaries participating in DoD's demonstration project involving Phase II or Phase III clinical trials sponsored by the National Cancer Institute, as described in Federal Register Notice 61 FR 1899, January 24, 1996. Evaluation in person is preferred. Travel and lodging costs for the patient and, if medically indicated, one nonmedical attendant, will be reimbursed for the evaluation. It is possible to conduct the evaluation telephonically if the patient is unable to travel to WHMC. If the allogeneic bone marrow transplant cannot be performed at WHMC, WHMC will provide a medical necessity review in order to support its issuance of a Nonavailability Statement.

EFFECTIVE DATE: March 15, 1997.

FOR FURTHER INFORMATION CONTACT: Major Lewis, Bone Marrow Transplantation Service, WHMC, at (210) 670-7391, or Captain Orcutt, OSD (Health Affairs), at (703) 695-6800.

SUPPLEMENTARY INFORMATION: In FR DOC 93-27050, appearing in the Federal Register on November 5, 1993 (Vol. 58, 58955-58964), the final rule on the STS Program was published. Included in the final rule was a provision that notices of all military and civilian STS facilities be published in the Federal Register annually. This notice is issued under the authority of 10 U.S.C. 1105 and 32 CFR 199.4(a)(10).

Dated: February 11, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-3787 Filed 2-13-97; 8:45 am]

BILLING CODE 5000-04-M

Strategic Environmental Research and Development Program, Scientific Advisory Board; Meeting

ACTION: Notice.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

DATES: April 22-23, 1997 from 0800 to approximately 1735 and April 24, 1997 from 0800 to approximately 1240.

PLACE: Crown Plaza Hotel, 15 West Sixth Street, Cincinnati, OH.

MATTERS TO BE CONSIDERED: Research and Development proposals and continuing projects requesting Strategic

Environmental Research and Development Program funds in excess of \$1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Kay, 8000 Westpark Drive, Suite 400, McLean, VA 22102, or telephone 703 506-1400 extension 552.

Dated: February 10, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97-3678 Filed 2-13-97; 8:45 am]

BILLING CODE 5000-04-M

Department of the Army

Supplemental Environmental Assessment and Finding of No Significant Impact for the Realignment of Depot Maintenance Workload (Except Bradley Fighting Vehicle Series and Multiple Launch Rocket Systems) From Red River Army Depot, Texarkana, Texas; the Associated Combat Vehicle Support Mission From Defense Distribution Depot Red River, Texarkana, TX; and the Relocation of the AGT 1500 Engine Recuperator Manufacturing Process From Stratford Army Engine Plant, Stratford, CT, to Anniston Army Depot, Anniston, AL

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with Public Law 101-510 (as amended), the Defense Base Closure and Realignment Act of 1990, the Defense Base Closure and Realignment Commission recommended the realignment of Red River Army Depot (RRAD) and the closure of the Stratford Army Engine Plant (SAEP).

The RRAD realignment recommendation included the movement of all maintenance missions, except for that related to the Bradley Fighting Vehicle Series (BFVS), to other depot maintenance activities, including the private sector. The Secretary of the Army made the decision that all maintenance missions, except BFVS and Multiple Launch Rocket Systems (MLRS), would be relocated to Anniston Army Depot (ANAD), Anniston, AL. The Army also proposed the relocation of the associated non-BFVS/MLRS maintenance mission support from Defense Distribution Depot Red River, Texas (DDRT), to Defense Distribution Depot Anniston, Alabama (DDAA).

The relocation of the AGT 1500 engine recuperator manufacturing process from SAEP to ANAD was not directed by the Commission, but a decision by the Department of the Army to retain the capability to rebuild and repair tank engines to meet projected operation and mobilization requirements.

This Environmental Assessment (EA) supplements one completed for Anniston in June 1996 pursuant to a Commission directed maintenance mission transfer from Letterkenny Army Depot, Letterkenny, Pennsylvania to ANAD. The three relocations addressed in this Supplemental EA resulted from discretionary decisions, based on Commission recommendations, made after the completion of the June 1996 EA.

The relocations from RRAD and DDRT does not involve the transfer of any military or civilian personnel. The relocation of the AGT 1500 engine recuperator manufacturing process from Stratford, CT, involves transfer of 7 civilian contractor jobs with an anticipated growth of 33 more civilian contractor positions from the Anniston area. Adequate facilities and outdoor space for parking of combat vehicles exist at ANAD to accommodate the relocations from RRAD and DDRT. However, the AGT 1500 engine recuperator workload requires renovation of 30,000 square feet of Building 134, an underutilized warehouse facility.

Potential effects on the physical, natural, and cultural environment from the proposed relocations and renovation of Building 134 would be temporary and not significant and would be mitigated through the use of best management practices.

Based on the analysis of the environmental effects of the proposed relocations found in the EA, it has been determined that the implementation of these relocations to ANAD and DDAA would have no significant impacts on the quality of the natural or human environment. Because no significant environmental impacts would result from implementation of the proposed action, an Environmental Impact Statement is not required. Implementation of the proposed action will result in a Finding of No Significant Impact (FNSI).

DATES: Inquiries will be accepted on or before March 17, 1997.

ADDRESSES: Copies of the Supplemental EA and FNSI can be obtained by contacting Dr. Neil Robison at the U.S. Army Corps of Engineers, Mobile District, ATTN: CESAM-PD-E, P.O. Box

2288, Mobile, Alabama 36628-0001 or by telephone at (334) 690-3018.

Dated: February 11, 1997.

Raymond J. Fatz,

*Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational
Health) OASA (I, L&E).*

[FR Doc. 97-3773 Filed 2-13-97; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Notice of Record of Decision for the Disposal of U.S. Navy Shipboard Solid Waste from Surface Ships

SUMMARY: Pursuant to section 102(2) of the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality regulations implementing NEPA procedures (40 CFR parts 1500-1508), and Executive Order 12114 "Environmental Effects Abroad of Major Federal Actions," the Department of the Navy announces its decision to implement its preferred alternative for the management of non-hazardous biodegradable solid wastes, (paper, cardboard and food), and non-hazardous non-biodegradable solid wastes (metal and glass) from U.S. Navy surface ships. This decision makes a significant change to present waste disposal practices in the fleet. The Navy will equip surface ships the size of a frigate and larger (approximately 200 ships) with equipment to pulp paper, cardboard and food waste, and shred and bag all metal and glass prior to discharge overboard. The equipment, once installed, will be used to prepare material for discharge throughout the oceans and seas of the globe, including those special areas in effect pursuant to Regulation 5 of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL). Pulped material will be discharged only outside of 3 nautical miles from land and shredded material will only be discharged outside of 12 nautical miles from land. This record of decision and the EIS on which it is based, do not apply to submarines. A separate solid waste management plan will be prepared for submarines at a future date.

Background

The National Defense Authorization Act for fiscal year 1994 required the Secretary of the Navy to submit to Congress, no later than November 30, 1996, a plan for Navy compliance with Regulation 5 of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL), which pertains to disposal

of shipboard solid waste in "special areas." The MARPOL Convention, formulated in 1973 and amended in 1978, contains five annexes. Solid waste is addressed in Annex V, "Regulations for the Prevention of Pollution by Garbage from Ships." MARPOL prohibits some discharges altogether, restricts some discharges to set distances from land, and establishes "special areas" within which additional discharge limitations apply, based on the oceanographic characteristics and ecological significance of those areas.

Eight "special areas" have been designated by Annex V: the Baltic Sea, portions of the North Sea, the Antarctic Ocean, the Red Sea, the Black Sea, the Gulf area (including the Persian Gulf and the Gulf of Aden), the wider Caribbean (including the Gulf of Mexico), and the Mediterranean Sea. To date, only the first three are in effect. Areas come into effect following a positive assessment of the waste management capabilities of each area's littoral countries.

The MARPOL Convention limitations on ocean discharges do not expressly apply to warships or naval auxiliaries. The Convention requires, however, that party states ensure their warships and auxiliaries operate consistent with the Convention so far as is "reasonable and practicable."

The United States became a party to MARPOL Annex V in 1997 with the enactment of the Marine Plastic Pollution Research and Control Act (MPPRCA), which amended the Act to Prevent Pollution from Ships (APPS). In MPPRCA, Congress did not adopt the Convention's "reasonable and practicable" requirement for U.S. public vessels, but instead affirmatively required full compliance by U.S. public vessels, including Navy vessels, with all Annex V requirements by 1994. In 1993, the National Defense Authorization Act of 1994 (DDA 94) amended APPS and, with respect to Navy ships, extended the 1994 deadline to the end of 1994 for the plastic discharge prohibition, and to the year 2000 for the special area requirements. Both MPPRCA and the DAA 94 allowed the Navy to petition Congress for relief from the legislatively imposed requirements of Annex V, if the Navy demonstrated that full compliance for U.S. Navy warships and auxiliaries was not technologically feasible while maintaining the necessary level of operational capability.

The DAA 94 also provided that if the plan demonstrated that compliance by certain ships under certain conditions was not technologically feasible, Congress could modify the applicability

of the special area requirements for Navy warships and auxiliaries.

The DAA 94 required that the Navy submit a plan for special areas to Congress by November 30, 1996. If the Navy determined that compliance with the requirements of Regulation 5 of Annex V was not technologically feasible for certain ships under certain conditions, the Navy must document:

- The ships for which full compliance was not technologically feasible;
- The technical and operational impediments for achieving such compliance as rapidly as technologically feasible;
- A proposed alternative schedule for achieving compliance as rapidly as technologically possible; and
- Such other information as the Secretary of the Navy considers relevant and appropriate.

The development of a management plan for the disposal of shipboard solid waste necessarily addressed the design and management of warships. Navy warships have a substantially different mission from merchant marine vessels and cruise ships, which is reflected in warship design.

Critical factors used to develop the Navy shipboard solid waste management plan include the composition, operation, and deployment of the U.S. Navy fleet, waste generation rates and characteristics, available processing technologies and current Navy solid waste management practices. Using this basic information, the Navy identified, in addition to source reduction, three potential categories of alternatives for managing shipboard solid waste:

- Store and retrograde (store and return to shore for landbased processing and/or disposal);
- Process and discharge at sea; and
- Destroy on board.

In each of these alternatives food waste would be comminuted (ground up) and discharged, and plastic waste would be processed using Navy developed plastic waste processors (currently being installed on most Navy ships). The treated plastic will be stored and returned to shore.

The potential environmental effects of the Navy's solid waste management plan were analyzed in an Environmental Impact Statement (EIS). Publication of a Notice of Intent (NOI) to prepare an EIS was published in the Federal Register on October 12, 1995. The NOI broadly described the range of alternatives to be considered and analyses to be conducted for the EIS and also announced the time and place for two public scoping meetings. These

meetings were held in Washington, DC and San Francisco, California on October 24, 1995 and October 26, 1995 respectively. Notice of the availability of a Draft EIS was published in the Federal Register on April 29, 1996. 45-day public review period ended on June 14, 1996. Public hearings were held in Washington, DC and San Francisco, California on May 28, 1996 and May 30, 1996, respectively.

The Draft EIS was prepared pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) regulations in 40 CFR, parts 1500–1508, Navy NEPA regulations in 32 CFR part 775, Presidential Executive Order (EO) 12114 "Environmental Effects Abroad of Major Federal Actions," Secretary of the Navy Instruction 5090.6 and the Chief of Naval Operations Instruction 5090.1B "Environmental and Natural Resources Program Manual."

The notice of availability of the Final EIS was published in the Federal Register on September 6, 1996. A 30-day public review period for the Final EIS ended on October 6, 1996. The National Defense Authorization Act for Fiscal Year 1997 amended section 3(c) of the Act to Prevent Pollution from Ships (APPS) (33 U.S.C. 1902) to allow certain Navy ships, as designated by the Secretary of the Navy, to discharge into MARPOL special areas non-plastic, non-floating garbage that has been pulped and shredded. On November 25, 1996, Secretary of the Navy John H. Dalton signed a determination specifying which ship types, due to military design, construction, manning, or operating requirements, cannot fully comply with the special area requirements of Regulation 5 of Annex V of MARPOL.

Current Situation

The Navy fleet, consisting of approximately 350 vessels (including submarines) is deployed globally, operating under constantly variable conditions and circumstances. Variations include the number of ships and length of deployment. The amount of shipboard solid waste generated is proportional to the size of the operation and its duration.

Most of the designated special areas are strategically important to the United States. In recent years the Navy has operated extensively in the Mediterranean Sea, the Persian Gulf, the Red Sea, and in the Caribbean region. These special areas present more significant solid waste management difficulties for the Navy than those that are currently in effect in the Baltic and North Seas. The Navy has determined

that underway periods of one week or longer makes it impractical for combatant ships to comply with the "zero discharge" requirement (i.e., retain all waste on board). Aircraft carriers face the greatest challenge because they have the longest underway periods between port visits and the largest crews.

Shipboard solid waste generation rates are dependent on crew size. The shipboard solid waste generation rate for Navy ships is 1.36 kilograms (2.99 pounds) per crew member per day. Based on this daily rate, solid waste generated onboard an aircraft carrier with a crew of 6,280 would be 8,450 kg/day (18,590 lbs/day). A smaller frigate class ship with a crew size of 220 would generate approximately 300 kg/day (660 lbs/day).

Of the solid waste stream, food waste poses the least significant disposal problem, as these discharges are readily accommodated by Navy shops using comminuters (grinders). For plastic waste, the Navy has actively pursued elimination for more than a decade through operations changes, technology development, supply system changes (source reduction), and environmental education. Through these efforts, the Navy has reduced the discharge of plastics solid waste by approximately 70 percent. Plastic waste processors, along with new management practices, will eliminate plastic waste discharge at sea by surface combatants by the end of 1998.

Alternatives Considered

The Navy considered the no action alternative, process and discharge alternative, store and retrograde alternative, and the on-board destruction alternative and, for each alternative the available technologies for on-board solid waste management. The analysis made it clear that neither a single alternative nor a single individual technology was appropriate for fleet-wide implementation. The alternatives and technologies were evaluated using nine criteria: safety/health, operational impacts, environmental consequences, cost, habitability and quality of life aboard ship, shipboard requirements, physical ship impacts (space, other ship impacts), technical maturity (equipment), and compliance with APPS. Technologies and equipment were assessed in the light of reliability, maintainability, and the capability to operate under extreme adverse conditions; mission readiness; the ability to sustain battle damage and continue to function, issues related to stability, which concern, in part, the appropriate arrangement of space and

weight in the vessel overall, and existing design criteria for weapons systems, propulsion plants, machinery, auxiliary equipment, work spaces, and living areas.

No Action Alternative

Under the no action alternative, (the alternative in use for existing naval operations), the Navy would implement its plan to install plastic waste processors on approximately 200 ships by 1998 and implement store and retrograde procedures for plastics on ships unable to accommodate the plastic waste processors. All other solid waste would be managed according to the following discharge restrictions:

- Discharge of any solid waste is not permitted within three nautical miles (nm) of any shores;
- Discharge of pulped food waste is permitted at greater than 3 nm except in special areas and off foreign country shores where the restriction is 12 nm; and
- Discharge of other non-plastic solid waste is restricted to greater than 25 nm.

Process and Discharge Alternative

This alternative envisions processing (i.e., pulp and/or shred) biodegradable wastes (paper, cardboard, food) and non-biodegradable wastes (metal and glass) prior to discharge, thereby eliminating floating debris.

Store and Retrograde Alternative

This alternative consists of storage of all solid waste on board while operating in special areas. The stored material is held until it can be off-loaded for land disposal. Given the amount of waste generated and the limited on-board storage space available, it would be necessary to process the waste on the generating ship to reduce volume or encapsulate food-contaminated waste for odor control and sanitation purposes.

On-Board Destruction Alternative

On-board destruction presents a range of technological solutions for consideration, some of which are not presently mature. Currently available options are in the form of incineration, and would combine the shredding and combustion of ship cardboard, paper, metal, and glass. Under this alternative, paper and cardboard would be incinerated. Metal and glass wastes would be shredded prior to combustion, which would reduce the volume of the materials to be burned, but presently available methods of combustion would not further reduce the quantity of these materials. These materials, along with the ash and slag generated from

combustion of combustible materials would require storage aboard ship for disposal on shore or disposal at sea.

Alternatives Analysis

Analysis of the various waste management alternatives in the light of the nine criteria led the Navy to reach the following conclusions. The no action alternative, (continuation of existing solid waste management practices), while the least expensive alternative, would not allow the Navy to comply with MARPOL and APPS, as amended by MPPCA and DAA 94. Moreover, the no action alternative does not improve solid waste management for special areas.

The storage and retrograde alternative would adversely affect the quality of life of the ship's crew. Living and recreational space is the only space in existing ships that could be converted into waste storage areas without eliminating combat essential equipment. The cost of this alternative would be significant, ranging from \$3.5 million for an auxiliary ship to over \$13 million for an aircraft carrier. The cost of equipment and its installation; the requirement for significantly more shipboard storage space compared to other alternatives under consideration; the need for pier side off-loading and storage facilities; the impact on support ships, including costs to modify existing ships to handle wastes; and the increased time for underway replenishment, with increased risk to ships, helicopters and crew all mitigate against this alternative. Because of these factors, the storage and retrograde alternative was rejected for the larger Navy fleet units.

The on-board destruction or incineration alternative was also rejected. While this alternative would allow APPS compliance, it is the most expensive alternative in terms of space requirements and cost. Costs for the least expensive incinerator would range from \$2.6 million per ship for a cruiser to over \$29 million for an aircraft carrier. Retrofitting the Navy fleet would also disrupt a large amount of space on every ship and cause severe and unacceptable impact on the ships primary mission functions. This alternative includes the following costly requirements: trained operating staff, skilled maintenance staff, space for incineration equipment and support systems aboard ship, and storage space for ash/metal/glass residue to be retrograded. Presently available equipment also presents concerns for fire control.

Environmentally Preferred Alternative

Council on Environmental Quality regulations (40 CFR 1505.2), require the identification of the "environmentally preferred alternative" for major federal actions. None of the alternatives considered can be clearly identified as the "environmentally preferred alternative." The process and discharge and no action alternatives would result in the discharge of solid waste into the oceans of the world, while the destroy on board (incineration) alternative could result in impacts to air, surface waters, and land (due to ash disposal ashore). The store and retrograde alternative would affect land resources or the air as the waste would be disposed of in landfills or incinerated in land-based facilities. The process and discharge alternative is preferred over the other alternatives for the human shipboard environment, as it reduces possible odors, crowding and elimination of the ship's crew spaces. The processing of solid wastes prior to ocean discharge eliminates floating debris, which is a hazard to marine life, as well as being aesthetically undesirable.

Proposed Action

The preferred alternative (proposed action) for shipboard solid waste management for surface ships is a combination of the process and discharge alternative and the storage and retrograde alternative. Under the preferred alternative, the Navy will install pulpers and shredders on all vessels the size of frigates or larger (approximately 200 ships). These include: Frigates, destroyers, cruisers, amphibious helicopter assault ships, aircraft carriers, fleet oilers and supply ships, amphibious landing transport and docking ships; and fleet command and control ships.

The Navy will retain and retrograde waste on smaller ships and patrol craft (approximately 55 ships) when operating within MARPOL special areas. These smaller ships include: Mine countermeasure and mine hunting ships; rescue, salvage and towing ships; and coastal patrol boats, and landing craft that have a limited range and mission duration.

The installation of the pulpers and shredders will have little effect on crew, due to the small footprint and ease of operation. Minor ship alternations will be necessary on Navy vessels and no health and safety impacts are anticipated. With respect to crew morale, this alternative is considered the best among alternatives studied because odor impacts from storing food-contaminated wastes would be

substantially reduced or eliminated, prompt removal of all solid wastes would make the storage of wastes in inappropriate spaces unnecessary, personal crew space would not be affected on any class of Navy ship, and only minimal impacts to crew shared space will occur.

This alternative will enhance mission readiness for Navy ships because waste disposal can proceed during operations, including flight operations. Flight decks, hangars, and other operational space will not be cluttered with the temporary storage of solid waste. This would also enhance safety aboard ship, as access to critical equipment would not be impeded and ship's personnel would not have to repeatedly move containers of garbage, a difficult operation, especially during rainy weather and/or rough seas. The cost impacts of this alternative are significantly lower, at approximately \$340 million for the existing Navy surface fleet, than any other action alternative investigated.

Food waste will continue to be ground up and discharged at sea while paper and cardboard will be processed by a pulper with discharge from the pulper occurring at least three nautical miles from shore. A shredder will be used to process metal and glass waste. The processed metal and glass will be placed in burlap bags and discharged into the sea. This discharge will occur at least 12 nautical miles from shore.

Environmental Impacts

The decision to implement the process and discharge alternative will result in most Navy ships processing (i.e., pulp and/or shred) wastes including paper, cardboard, metal, glass and food waste and discharging the products of the processing. The effects of the process and discharge alternative on the oceans of the world and especially MARPOL special areas were assessed by the Navy in consultation with a number of experts and studies. The assessment of impacts focused on the processes that are most important to determine the fate and effect of the two waste streams and compared these to the range of receiving environment conditions likely to be affected by the discharges.

The Navy considered the potential direct adverse effects of waste disposal of pulped paper and cardboard on the ocean environment to include impacts to water column and benthic organisms, growth rate, reproduction and feeding inhibition, oxygen depletion, and beach litter. The potential adverse effects of waste disposal of the shredded metal and glass (discharged in burlap bags)

considered were impacts to benthic organisms' smothering, ingestion and oxygen uptake, and washing ashore as beach litter. The implementation of the process and discharge alternative will have no direct adverse impacts ashore.

Paper and Cardboard

The pulped paper/cardboard waste stream will consist primarily of white paper and cardboard mixed with sea water. The material is mainly composed of organic carbon as cellulose, with very little nitrogen or phosphorus. Degradation rates for the pulped paper/cardboard could vary, depending on the water temperature, from approximately 0.01 percent to 0.6 percent per day. Analysis of the material indicates that it does not contain significant amounts of toxic chemicals. The rate of discharge of the pulped paper/cardboard waste will be approximately 100 to 3,200 kilograms (220 to 7,040 lbs) per ship per day depending on vessel size.

The fate analysis for the pulped paper and cardboard waste stream considered both water column and sea floor processes under a range of conditions representative of special areas as well as the world's ocean environments. The most critical factor in the fate analysis is the wake dilution rate that occurs in the first 15 to 20 minutes after discharge of the pulped waste stream. Numerical modeling results for both the wake and ambient mixing provided estimates of the lowest dilution of the waste stream to be 1:60,000 (a 1:60,000 dilution rate means, for example, one gallon of pulped paper/cardboard would be diluted with 60,000 gallons of sea water) for an aircraft carrier operating at ten knots. The dilution factor greatly exceeds all other background factors, such as currents and wind mixing, that might also contribute to dilution of the material.

Wake dilution is independent of discharge location, (i.e., the dilution rate would be the same in all special areas and the world's oceans). Also independent of discharge location is the settlement rate of the majority of the material due to the fact that the specific gravity (weight) of the average-sized particle would be so much greater than that encountered in ocean water. About 95 percent of the material discharged would be deposited on the sea floor.

A series of bioassay were conducted by the Navy for a wide range of organisms from bacteria to small fish to determine whether the pulped paper/cardboard mixture would be toxic to water column and/or bottom dwelling organisms and if so, at what concentration and duration. Test results showed no biological effects in any

organisms tested at concentration levels expected in the water column with wake dilution. Further, no biological effects were observed in two benthic organisms tested at concentration levels that would be expected in the sediments after receiving the pulped paper/cardboard discharge from 1000 ship discharges over the same location.

The Navy investigated potential effects of pulped paper/cardboard discharge on coral reefs and other similar benthic filter-feeding organisms and sea grasses found in the wider Caribbean, the Mediterranean, and Red Seas, and the Gulf region. Discharges of pulped paper/cardboard will introduce additional suspended material into the water column and increase sedimentation rates. Possible effects of concern to commenters included reduction in light levels due to increased suspended particle loading, the potential for smothering and interference with filter feeding/respiration, and direct toxicity to coral polyps due to contaminants associated with paper particulate.

None of the laboratory tests or bioassay showed significant toxic effects with the pulped paper/cardboard at the concentrations anticipated to occur in the individual ships' wakes. In addition, detailed chemical analysis of the pulped waste stream indicates that it is composed nearly all of non-toxic organic materials. Direct tests on sardines and two zooplankton species representative of the Black, North, an Baltic Seas, and Antarctica revealed no effects from the anticipated exposure levels from pulped paper/cardboard discharges.

Metal and Glass

After shredding, the metal and glass fragments will be bagged in biodegradable burlap bags and manually discharged over the side of the ship. The number of bags discharged overtime and the distribution of discharge period(s) throughout the day will vary from ship to ship. The primary components of the shredded metal and glass waste stream would be tin-coated steel cans (71 percent by weight) and glass (13 percent by weight). The elemental constituents of this waste material are similar to those occurring naturally in marine environments. Of these, only iron would be significantly enhanced in the waste stream relative to concentrations found in typical marine environments. It is expected that the iron and tin in these metal cans would completely corrode in 2.5 to 10 years. The burlap bags would degrade over a period of months. The rate of degradation of the shredded glass is slow, with most of the material being

incorporated into the sea floor rather than dissolving in the water column.

The analysis of the fate and effects of shredded metal and glass addressed both water column and sea floor processes. Based on tests, biological effects expected only within the bag or near the bag surface. The discharge of shredded metal/glass will produce little opportunity for immediate dispersion of the material, since the metal/glass will be contained in burlap bags that will not trap air. During the time the bag is moving through the water column, organisms in the water column will not be sufficiently exposed to sustain an effect.

Since the shredded waste will reach the bottom rapidly, most of the processes that would influence the fate and effects of the shredded metal/glass waste would occur at or near the sediment/water interface. Once deposited on the bottom, any material that would cause effects would be quickly diluted by the surrounding waters and have no significant impacts on organisms on the sea floor.

The Navy also considered the effects of the discharge of the bagged shredded metal/glass on coral reefs and other similar sensitive organisms. Issues of concern included the potential for a bag landing on a coral reef and the smothering of the reef beneath the bags. With regard to the potential for a bag landing on a coral reef, it is noted that, to avoid navigational hazards, Navy ships avoid operating in shallow water where most coral reefs occur. Additionally, because of discharge restrictions, the actual discharge of bagged metal/glass would occur outside the 12 nm limit. Transport of the bags toward shore would be minimal. Studies have shown that a bag discharged at the 12 nm limit would reach the sea floor only 0.11 nm closer to shore than the drop point. Impacts to coral reefs and other sensitive habitats would only occur where the discharge occurred directly over or within very close proximity to a reef.

Effects would not be found beyond the immediate area of the bag itself. Where bags of shredded metal/glass settle on a coral reef or sea grass community, the scale of the impact would be confined to the frontal area of the bag deposited (approximately 2,000 sq.cm. or 310 sq.in.). Consequently, only the coral underlying the bag would be affected by the settlement of the bag.

Endangered Species

The Navy also investigated the potential exposure and effects of solid waste discharges on threatened and endangered species found in all the

world's oceans, with emphasis on those found within the MARPOL special areas. Both waste discharges were subjected to toxicity testing on a wide range of organisms. None of the organisms showed effects of the pulped paper/cardboard at the concentrations expected to occur in the environment. As for the potential for ingestion of the pulped paper/cardboard by threatened and endangered species, studies indicated that the pulped waste stream is not considered an ingestion problem because of the low concentrations found in the discharge wake and the size of the species of concern. For metal and glass discharges, species evaluated typically would not be vulnerable because there would be no overlap between the species' habitat and the locations at which the proposed discharges would occur, or the species feeding habits are not compatible with ingesting large material from the sea floor.

Because the bags would sink very rapidly, species that feed on the surface or in the water column would not have the opportunity to ingest the material. Another consideration is that the discharges would generally occur in waters deeper than 200 meters (656 feet) and most of the species evaluated feed in near shore or coastal shallow water. Thus the likelihood of shredder bags landing in typical bottom feeding habitats is very small. Finally, the likelihood of encountering a bag on the sea floor would be minimal, considering the low percentage of sea floor that would be covered by bags, even with cumulative discharges.

Based on the analyses conducted, the Navy has concluded that the proposed discharges would have a very low potential to cause any effect on a protected species, or modification of a critical habitat.

Cumulative Impacts

Cumulative environmental impacts were considered through the analysis of multi-ship operational scenarios. Navy ships often operate in groups and these groups may operate in MARPOL special areas. The results of the analysis for the pulped waste stream indicated that pulped paper/cardboard discharges from all Navy ships operating within special areas would be insignificant.

For the shredded metal/glass waste stream, the estimated annual mass loading for the special areas from current Navy shipboard operations would range from 5.8 metric tons in the Baltic Sea to 895 metric tons in the Mediterranean.

Mitigation

Several policy, operational, and design measures will avoid or minimize impacts to the environment: (1) The Navy will discharge pulped paper and cardboard only when a ship is making way, thereby ensuring thorough mixing and dispersion of the discharge in the ship's wake; (2) Packaging of the shredded metal/glass prior to disposal will prevent scattering of metal and glass fragments in the water column that might be accidentally ingested by marine fish and animals; (3) Selection of a packaging material for shredded metal and glass that is durable (resistant to tearing), sinkable (does not contain air pockets), and biodegradable will ensure that the bag sinks rapidly to the sea floor and allows natural deterioration and assimilation of the materials; and (4) Pulped paper and cardboard will be discharged at distances greater than 3 nm from shore and shredded metal and glass will be discharged at distances greater than 12 nm from shore.

Comments Received on the Final EIS

Two federal agencies and one special interest group provided comments on the Final EIS. One federal agency (Department of the Army) comments were limited to corrections in metric conversions noted in the Final EIS. Corrections, where appropriate, have been made.

The U.S. Environmental Protection Agency (EPA) requested that the Navy continue its current practice of zero discharge of solid wastes in the Antarctic region and the Baltic Sea. Additionally, EPA commented on the Final EIS discussion on naval operations noting that the Antarctic was not listed as an "in effect" special area in this discussion and also suggested clarification on the waste discharge distance (from land) requirement. EPA also suggested that the Navy's preferred alternative may not be consistent with the "Antarctic Science, Tourism and Conservation Act" (ASTCA) of 1996 or Annex IV to the Protocol on Environmental Protection to the Antarctic Treaty (PEPAT). Finally, the EPA requested the Navy to reconsider the previous EPA comments concerning waste discharge monitoring, discharge restrictions near sensitive ecosystems, continue the search for a waste management system that would allow full compliance with MARPOL, and develop an environmentally sound ship for the 21st century.

In response to these EPA comments, the Navy notes that it is currently in compliance with MARPOL in the "in-effect" special areas (Antarctic region

and the Baltic and North Seas). This "compliance" is due to the very limited nature of U.S. Navy operations in those areas. However, this "compliance" also results in significant impacts to the shipboard environment of Navy vessels. Chapter 4.1.1 of the EIS documents the impacts of continuing current shipboard waste management practices on the health, welfare, and morale of Navy sailors and on the mission readiness, safety, and logistical operations of Navy vessels. These effects on sailors and ships operating in any ocean of the world are unacceptable, and the preferred alternative has been developed in response to these and other related concerns. Also, the nature of U.S. Navy operations may change in the existing in-effect special areas with changing geo-political conditions, and the Navy must be prepared to respond quickly and efficiently to such world events.

The discussion in the Final EIS on naval operations (Sec. 2.1.1) did not include the Antarctic region because it is not an area where naval operations are routinely conducted. Also the comment concerning the 25 mile discharge distance restriction (Sec. 4.1) applies to the no action alternative or what is currently practiced today by Navy vessels. Under the proposed action, in the world's oceans, including special areas, pulped paper and cardboard would be discharged at distances greater than 3 nm from shore and shredded metal and glass would be discharged in burlap bags at distances greater than 12 nm from shore.

The navy has reviewed the Act and Treaty cited by EPA. Under the ASTCS, " * * * discharges of any wastes in Antarctica would be prohibited except as otherwise authorized by the Act to Prevent Pollution from Ships (APPS)." Congress has modified APPS to permit the discharge of solid wastes in accordance with the proposed action. With regard to Annex IV of PEPAT, Article 11 of this Treaty indicates that the Annex does not apply to warships or naval auxiliaries. Notwithstanding these exemptions, the Navy is keenly aware of the delicate and sensitive environment of the Antarctic region. Also, routine naval operations are infrequent in this region due to its remote location.

With respect to long-term monitoring of waste discharge plumes, the Navy has reconsidered EPA's comments on the Draft EIS and still feels that such monitoring is both unnecessary and impractical for the reasons stated in the Final EIS (p. 10-6 response to comments).

With respect to discharges near sensitive ecosystems, the Navy will not discharge pulped paper/cardboard within 3 nm of land nor discharge shredded metals/glass within 12 nm of land. This naval operational restriction, combined with the fact that smaller, coastal vessels will store and retrograde waste (the process and discharge alternative applies to the larger oceangoing vessels the size of frigates and above) should offer ample protection to sensitive ecosystems.

With respect to future waste management systems, the Navy has established the goal of having environmentally sound ships of the 21st century that will be able to minimize waste generation and treat or destroy unavoidable waste on board. The Navy is investigating integrated waste processing systems that would collect and treat or destroy all shipboard wastes, both liquid and solid. Although the Navy is pursuing this research and development (R&D), it foresees no advanced waste destruction technology being ready for shipboard use in the next decade. In the interim, the Navy will continue to monitor and evaluate technology developments and initiate R&D programs where candidate technologies look promising for future ships.

The special interest group comments, from a representative of a shipboard waste (compaction) processing machine company, provided corrected information on the output characteristics of their processed wastes and the use of such equipment on ships of other world navies.

The Navy appreciates this revised information. However, an analysis, based on this new information, did not alter the findings of the Final EIS.

Conclusion

After comprehensive evaluation of the proposed impacts and review of all comments, the Navy has concluded that its preferred alternative provides for protection of the environment, preserves the Navy's operational flexibility and the quality of life of shipboard personnel and can be implemented at a reasonable cost.

Accordingly, the Navy will install pulpers and shredders on all vessels the size of frigates and larger, and use the equipment worldwide, not just in MARPOL special areas. For the Navy's smaller, coastal vessels that have mission durations of only a few days, the Navy will implement a store and retrograde policy for solid waste management (except food wastes) for

these ships will operating in MARPOL special areas.

Questions regarding the Final EIS prepared for this action may be directed to Mr. Robert Ostermueller, Head, Environmental Planning, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Lester, PA 19113, telephone (610) 595-0759, fax (610) 595-0778.

Dated: January 31, 1997.

Elsie L. Munsell,

*Deputy Assistant Secretary of the Navy
(Environment & Safety).*

[FR Doc. 97-3783 Filed 2-13-97; 8:45 am]

BILLING CODE 3810-FF-M

Notice of Public Hearing for the Supplemental Draft Environmental Impact Statement for Construction and Operation of a Relocatable Over the Horizon Radar, Puerto Rico

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), and the Commonwealth of Puerto Rico Public Law Number Nine, Section 4(c), the Department of the Navy, has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) for the construction and operation of a Relocatable Over the Horizon Radar (ROTHR) system in Puerto Rico.

The ROTHR, a wide area surveillance high frequency (HF) radar system, is proposed as an addition to the national and local counter-narcotic strategy. The ROTHR provides early detection of illegal drug activity and would complement existing ROTHR systems in Virginia and Texas by providing coverage of the northern portion of South America.

A Draft Environmental Impact Statement (DEIS) addressing the impacts of the proposed ROTHR system was released to the public in July 1995. Public comments received on the DEIS included concerns over the loss of 100 acres of farmland at a candidate receiver site in Lajas Valley. Based on these concerns, the Department of the Navy re-evaluated potential sites for the ROTHR system, and determined that a shortened receiver array could be installed completely on federal property at Fort Allen, a US Army installation located about 4 miles south of the town of Juana Diaz and 10 miles east of Ponce. The SDEIA includes information previously presented in the DEIS, as well as new information on anticipated impacts if the receiver were installed at

Fort Allen. The document has also been expanded to address other issues raised during the DEIS public review process.

The preferred receiver site is now identified as Fort Allen. The construction area would consist of a 100 acre site. The required buffer zone would be completely contained within the Fort boundary. The preferred transmitter site continues to be the Playa Grande site located on Navy property on the Southwestern coast of Vieques Island.

The Navy has forwarded copies of the document to various federal and Commonwealth agencies, local municipalities and individuals. Additionally, the SDEIS is available for review at the following locations: (1) Town Hall, Municipality of Vieques Island; (2) Public Library, Municipality of Lajas; (3) Mayor's Office, Lajas; (4) Environmental Quality Board, Hato Rey; (5) Environmental Quality Board, Regional Office at the Commercial Center, Ponce; (6) Environmental Quality Board, Mayaguez Regional Office, Mayaguez; (7) City Hall, Municipality of Juana Diaz, Puerto Rico; (8) Public Library, City of Juana Diaz, Puerto Rico; (9) City Hall, Municipality of Ponce; (10) City Hall, Municipality of Santa Isabel; (11) City Hall, Municipality of Salinas; (12) Carnegie Public Library, San Juan.

ADDRESSES: The Department of the Navy will be participating in a public hearing held by the Puerto Rico Environmental Quality Board on March 15, 1997 at 10:00 AM at Calle Braschi # 50 in Juana Diaz, Puerto Rico. All comments received at the public hearing, as well as written comments will be considered in a Final Environmental Impact Statement prepared by the Navy. All written comments must be postmarked no later than March 31, 1997 to become part of the official record. Written comments should be mailed to the address noted below.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Ms. Linda Blount, (Code 2032LB), Atlantic Division, Naval Facilities Engineering Command, 1510 Gilbert Street, Norfolk, VA 23511-2699, telephone (757) 322-4892.

Dated: February 11, 1997.

D.E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 97-3784 Filed 2-13-97; 8:45 am]

BILLING CODE 3819-FF-M

DEPARTMENT OF ENERGY**Environmental Management Site-Specific Advisory Board, Paducah****AGENCY:** Department of Energy.**ACTION:** Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah Gaseous Diffusion Plant

DATES: Thursday, February 20, 1997, 6:00 p.m.-9:00 p.m.**ADDRESSES:** West Kentucky Technical School (cafeteria), 5200 Blandville Road, Paducah, Kentucky.

FOR FURTHER INFORMATION CONTACT: Carlos Alvarado, Site-Specific Advisory Board Coordinator, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (502) 441-6804.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Updates on the Federal Facility Agreement and membership drive, and a report on the St. Louis SSAB Chairperson's Meeting.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Carlos Alvarado at the address or telephone number listed above.

Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Department of

Energy's Environmental Information and Reading Room at 175 Freedom Boulevard, Highway 60, Kevill, Kentucky between 8:00 a.m. and 5:00 p.m. on Monday through Friday, or by writing to Carlos Alvarado, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, or by calling him at (502) 441-6804.

Issued at Washington, DC on February 11, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97-3785 Filed 2-13-97; 8:45 am]

BILLING CODE 6450-01-P**Environmental Management Site-Specific Advisory Board, Monticello Site****AGENCY:** Department of Energy.**ACTION:** Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given of the following Advisory Board Committee Meeting:

Environmental Management Site-Specific Advisory Board, Monticello Site.

DATES AND TIMES: Tuesday, March 18, 1997, 7:00 p.m.-9:00 p.m.**ADDRESSES:** San Juan County Courthouse, 2nd Floor Conference Room, 117 South Main, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT: Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, (303) 248-7727.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: Update on repository status, scheduling for tailings haul beginning this spring, supplemental standards, reports from subcommittees on local training and hiring, health and safety, and future land use.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Audrey Berry's office at the address or telephone number listed above. Requests must be received 5 days

prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585, between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available by writing to Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303) 248-7727.

Issued at Washington, DC, on February 11, 1997.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 97-3786 Filed 2-13-97; 8:45 am]

BILLING CODE 6450-01-P**Federal Energy Regulatory Commission****[FERC-547]****Proposed Information Collection and Request for Comments**

February 10, 1997

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Notice of proposed information collection and request for comments.

SUMMARY: In compliance with the requirements of Section 3506(c)(2)(a) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104-13), the Federal Energy Regulatory Commission (Commission) is soliciting public comment on the specific aspects of the information collection described below.

DATES: Consideration will be given to comments submitted on or before April 15, 1997.

ADDRESSES: Copies of the proposed collection of information can be obtained from and written comments may be submitted to the Federal Energy Regulatory Commission, Attn: Michael P. Miller, Information Services Division, ED-12.4, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michel P. Miller may be reached by telephone at (202) 208-1415, by fax at

(202) 273-0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION: The information collected under the requirements of FERC-547 "Gas Pipeline Rates: Refund Report Requirements" (OMB No. 1902-0084) is used by the Commission to implement the statutory provisions of the Sections 4, 5, and 16 of the Natural Gas Act (NGA) (15 U.S.C. 717-717w). Refund Reports are required to carry out the refund obligation policy in Section 4(e) of the NGA. Refunds are created due to the difference between pipeline rates collected subject to refund and firm rates set by the Commission. The refunds are flowed through by the following means: (a) pursuant to settlement agreements, and (b) legal

requirement. The Commission uses the data to insure the pass-through to gas consumers of refunds required to correct rates charged by pipelines. The data provided by the respondents are used to monitor the progress being made in making those refunds and to assure that refunds are being made in compliance with the Commission's regulatory functions. The Commission is committed to insuring that refunds owed by pipelines to their customers are made as expeditiously as possible, in order to hasten their ultimate pass-through to residential customers and other end-users. The data required to be filed for the refund report is specified by 18 Code of Federal Regulations (CFR) 154.501.

Action: The Commission is requesting a three-year extension of the current expiration date, with only minor changes to the existing collection of data. In response to an industry-wide settlement that changes the collection of amounts for the Gas Research Institute (GRI), pipeline companies are making more frequent refund reports. However, due to the less complex nature of these reports, the time required to prepare these refund reports is less than that needed for most other refund reports. Therefore, while the number of projected refund reports has increased slightly, the total annual burden has not changed.

Burden Statement: Public reporting burden for this collection is estimated as:

Number of respondents annually	Number of responses per respondent	Average burden hours per response	Total annual burden hours
(1)	(2)	(3)	(1)×(2)×(3)
80	1.25	56.25	5,625

The estimated total cost to respondents is \$281,250, (5,625 hours divided by 2,087 hours per year per employee times \$104,350 per year per average employee = \$281,250). The cost per respondent is \$3,516.

The reporting burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose, or provide the information including: (1) reviewing instructions; (2) developing, acquiring, installing, and utilizing technology and systems for the purposes of collecting, validating, verifying, processing, maintaining, disclosing and providing information; (3) adjusting the existing ways to comply with any previously applicable instructions and requirements; (4) training personnel to respond to a collection of information; (5) searching data sources; (6) completing and reviewing the collection of information; and (7) transmitting, or otherwise disclosing the information.

The estimate of cost for respondents is based upon salaries for professional and clerical support, as well as direct and indirect overhead costs. Direct costs include all costs directly attributable to providing this information, such as administrative costs and the cost for information technology. Indirect or overhead costs are costs incurred by an organization in support of its mission. These costs apply to activities which benefit the whole organization rather than any one particular function or activity.

Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) 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; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including 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.

Lois D. Cashell,
Secretary.
[FR Doc. 97-3761 Filed 2-13-97; 8:45 am]
BILLING CODE 6717-01-M

Information Collection Submitted for Review and Request for Comments (FERC-538)

February 11, 1997.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of submission for review by the Office of Management and Budget (OMB) and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (commission) has submitted the energy information collection listed in this notice of Office of Management and Budget (OMB) for review under provisions of Section 3507 of the Paperwork Reduction Act of 1995 (Pub. L. 104-13). Any interested person may file comments on the collection of information directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission received no comments in response to an earlier Federal Register notice of October 24, 1996 (61 FR 55137-38) and has made this notation in its submission to OMB.

DATES: Comments regarding this collection of information are best assured of having their full effect if received within 30 days of this notification.

ADDRESSES: Address comments to Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission, Desk Officer, 726 Jackson Place, N.W. Washington, D.C. 20503. A copy of the comments should also be sent to Federal Energy Regulatory Commission, Division of Information Services, Attention: Mr. Michael Miller, 888 First Street N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT: Michael P. Miller may be reached by telephone at (202) 208-1415, by fax at

(202) 273-0873, and by e-mail at mmiller@ferc.fed.us.

SUPPLEMENTARY INFORMATION:

Description

The energy information collection submitted to OMB for review contains:

1. *Collection of Information:* FERC-538 "Gas Pipeline Certificates: Initial Service".

2. *Sponsor:* Federal Energy Regulatory Commission.

3. *Control No.:* OMB No. 1902-0061. The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. These are mandatory collection requirements.

4. *Necessity of Collection of Information:* Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the provisions of the Natural Gas Act (NGA). The information reported under Commission identifier FERC-538 is filed in accordance with Section 7(a) (NGA). It is necessary to advise the Commission concerning the service which an applicant (local distribution company or municipality) requests the Commission to direct a natural gas pipeline company to extend or improve transportation facilities, establish physical connections to serve, and sell natural gas to the applicant. It must be determined whether the distributor applicant can economically construct and manage its facilities. In addition, the supply data are used to determine if the pipeline company can provide the service without curtailing certain of its existing customers. The flow data and market data are also used to evaluate existing and future customer requirements on the system to find sufficient capacity will be available. Likewise, the cost of facilities and the rate data are used to evaluate the financial impact of the cost of service of the project to both the pipeline company and its customers.

5. *Respondent Description:* The respondent universe currently comprises on average, 1 natural gas pipeline company.

6. *Estimated Burden:* 240 total burden hours, 1 respondent, 1 response annually, 240 hours per response (average).

7. *Estimated Cost Burden to Respondents:* 240 hours ÷ 2,087 hours per year × \$104,350 per year = \$12,000.

Statutory Authority: Sections 7, 10(a) and 16 of the Natural Gas Act (NGA), 15 U.S.C. Section 717-717w.

Lois D. Cashell,

Secretary.

[FR Doc. 97-3745 Filed 2-13-97; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER96-2703-000]

Citizens Utilities Company; Notice of Filing

February 10, 1997.

Take notice that on January 13, 1997, Citizens Utilities Company tendered for filing an amendment in the above-referenced docket.

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 February 21, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-3704 Filed 2-13-97; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER97-30-000]

Kincaid Generation L.L.C.; Notice of Issuance of Order

February 11, 1997.

Kincaid Generation L.L.C. (Kincaid) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, Kincaid requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by Kincaid. On January 30, 1997, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates (Order), in the above-docketed proceeding.

The Commission's January 30, 1997 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (E), (F), and (H):

(E) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Kincaid 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 385.214.

(F) Absent a request to be heard within the period set forth in Ordering Paragraph (E) above, Kincaid is hereby authorized, pursuant to section 204 of the FPA, to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Kincaid, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(H) The Commission reserves the right to modify this order to require a further showing that neither public or private interests will be adversely affected by continued Commission approval of Kincaid's issuances of securities or assumptions of liabilities * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 3, 1997.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97-3744 Filed 2-13-97; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER97-683-000]

Northwest Natural Gas Company; Notice of Issuance of Order

February 11, 1997.

Northwest Natural Gas Company (Northwest Natural) submitted for filing a rate schedule under which Northwest Natural will engage in wholesale electric power and energy transactions as a marketer. Northwest Natural also requested waiver of various Commission regulations. In particular, Northwest Natural requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Northwest Natural.

On February 6, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of

Electric Power Regulations, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Northwest Natural 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 385.214).

Absent a request for hearing within this period, Northwest Natural is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance of assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Northwest Natural's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 10, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 97-3742 Filed 2-13-97; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER97-828-000]

Resource Energy Services Company, LIC; Notice of Issuance of Order

February 10, 1997.

Resource Energy Services Company, LIC (RESC) submitted for filing a rate schedule under which RESC will engage in wholesale electric power and energy transactions as a marketer. RESC also requested waiver of various Commission regulations. In particular, RESC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by RESC.

On January 22, 1997, pursuant to delegated authority, the Director,

Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by RESC 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 385.214).

Absent a request for hearing within this period, RESC is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of RESC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is February 21, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E. Washington, D.C. 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 97-3760 Filed 2-13-97; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER97-765-000]

Revelation Energy Resources Corporation; Notice of Issuance of Order

February 11, 1997.

Revelation Energy Resources Corporation (RERC) submitted for filing a rate schedule under which RERC will engage in wholesale electric power and energy transactions as a marketer. RERC also requested waiver of various Commission regulations. In particular, RERC requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by RERC.

On January 31, 1997, pursuant to delegated authority, the Director,

Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by RERC 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 385.214).

Absent a request for hearing within this period, RERC is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of RERC's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 3, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,
Secretary.

[FR Doc. 97-3743 Filed 2-13-97; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. ER91-195-027, et al.]

Western Systems Power Pool, et al.; Electric Rate and Corporate Regulation Filings

February 7, 1997.

Take notice that the following filings have been made with the Commission:

1. Western Systems Power Pool

[Docket No. ER91-195-027]

Take notice that on January 30, 1997, the Western Systems Power Pool (WSPP) filed certain information as required by Ordering Paragraph (D) of the Commission's June 27, 1991, Order (55 FERC ¶ 61,495) and Ordering Paragraph (C) of the Commission's June 1, 1992, Order On Rehearing Denying Request Not To Submit Information,

And Granting in Part, And Denying In Part Privileged Treatment. Pursuant to 18 CFR 385.211, WSPP has requested privileged treatment for some of the information filed consistent with the June 1, 1992 order. Copies of WSPP's informational filing are on file with the Commission, and the non-privileged portions are available for public inspection.

2. Moreau Manufacturing Corporation
[Docket No. ER94-466-001]

Take notice that on February 3, 1997, Moreau Manufacturing Corporation tendered for filing its compliance filing in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Illinova Power Marketing, Inc., Utility-Trade Corporation, Utility-Trade Corporation, Vantus Power Services, El Paso Energy Marketing Co., New Jersey Natural Energy Co., and Tosco Power, Inc.

[Docket Nos. ER94-1475-007, ER95-1382-007, ER95-1382-008, ER95-1614-008, ER96-118-006, ER96-2627-001 and ER96-2635-002 (not consolidated)]

Take notice that the following informational filings have been made with the Commission and are on file and available for inspection and copying in the Commission's Public Reference Room:

On February 5, 1997, Illinova Power Marketing, Inc. filed certain information as required by the Commission's May 18, 1995, order in Docket No. ER94-1475-000.

On January 27, 1997, Utility-Trade Corporation filed certain information as required by the Commission's August 25, 1995, order in Docket No. ER95-1382-000.

On January 27, 1997, Utility-Trade Corporation filed certain information as required by the Commission's August 25, 1995, order in Docket No. ER95-1382-000.

On January 29, 1997, Vantus Power Services filed certain information as required by the Commission's October 20, 1995, order in Docket No. ER95-1614-000.

On January 24, 1997, El Paso Energy Marketing Company filed certain information as required by the Commission's November 28, 1995, order in Docket No. ER96-118-000.

On January 28, 1997, New Jersey Natural Energy Company, filed certain information as required by the Commission's October 2, 1996, order in Docket No. ER96-2627-000.

On February 5, 1997, Tosco Power, Inc. filed certain information as required

by the Commission's September 12, 1996, order in Docket No. ER96-2635-000.

4. CMS Electric Marketing Company
[Docket No. ER96-2350-004]

Take notice that CMS Electric Marketing Company on January 23, 1997, notified the Commission of a change in status.

The change in status results from the sale of all of CMS Electric Marketing Company's assets to CMS Marketing, Services and Trading Company.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. PacifiCorp

[Docket No. ER96-2743-000]

Take notice that on February 4, 1997, PacifiCorp tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. XENERGY, Inc.

[Docket No. ER96-2966-000]

Take notice that on January 10, 1997, XENERGY, Inc. (XENERGY) tendered for filing an amendment to its application for authority to make wholesale power sales at market-based rates.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Cinergy Services, Inc.

[Docket No. ER97-383-000]

Take notice that on January 23, 1997, Cinergy Services, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Power Company of America, L.P.

[Docket Nos. ER97-441-001 and EC97-6-001]

Take notice that on January 22, 1997, the Power Company of America, L.P. tendered for filing its Code of Conduct in compliance with the Commission's January 7, 1997, order in the above-referenced dockets.

9. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER97-664-000]

Take notice that on January 31, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, a Supplement to the Ohio Edison

System's Power Sales Tariff. This Supplement is designed to provide further unbundling of charges consistent with Order No. 888.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Promark Energy Inc.

[Docket No. ER97-705-000]

Take notice that on January 15, 1997, Promark Energy, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Consolidated Edison of New York, Inc.

[Docket No. ER97-707-000]

Take notice that on January 15, 1997, Consolidated Edison of New York, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Portland General Electric Company

[Docket Nos. ER97-719-000 and ER97-720-000]

Take notice that on February 3, 1997, Portland General Electric Company submitted an amendment in the above-referenced dockets.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Cinergy Services, Inc.

[Docket No. ER97-724-000]

Take notice that on January 23, 1997, Cinergy Services, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER97-730-000]

Take notice that on January 23, 1997, Cinergy Services, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Cinergy Services, Inc.

[Docket No. ER97-762-000]

Take notice that on January 23, 1997, Cinergy Services, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Central Illinois Light Company

[Docket No. ER97-767-000]

Take notice that on January 29, 1997, Central Illinois Light Company tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Orange and Rockland Utilities, Inc.

[Docket No. ER97-1400-000]

Take notice that on February 14, 1997, Orange and Rockland Utilities, Inc. (Orange and Rockland) tendered for filing an application for an order accepting its FERC Electric Rate Schedule which will permit Orange and Rockland to make wholesale sales to eligible customers of electric power at market-determined prices, including sales not involving Orange and Rockland's generation of transmission.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Louisville Gas & Electric Company

[Docket No. ER97-1426-000]

Take notice that on February 5, 1997, Louisville Gas & Electric Company tendered for filing an amendment in the above-referenced docket.

Comment date: February 21, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. United States Department of Energy, Bonneville Power Administration

[Docket No. NJ97-7-000]

Take notice that on January 3, 1997, Bonneville Power Administration (BPA) tendered for filing for Commission review of BPA's procedures implementing the standards of conduct. These procedures were accompanied by a Petition for Declaratory Order that the procedures are consistent with the Commission's reciprocity principles of Order No. 888 and meet or exceed the Commission's requirements of jurisdictional utilities under Order No. 889.

Comment date: February 26, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. South Carolina Public Service Authority

[Docket No. NJ97-8-000]

Take notice that on January 3, 1997, the South Carolina Public Service Authority submitted current written procedures implementing the Commission's Standards of Conduct for Transmission Providers.¹ The Authority

states that this filing is intended to comply with the requirement that a Transmission Provider file with the Commission current written procedures implementing the Standards of Conduct in such detail as will enable customers and the Commission to determine that the Transmission Provider is in compliance with the requirements of the Standards of Conduct.²

The Authority also states that copies of its filing are available for inspection at its principal place of business at One Riverwood Drive, Moncks Corner, South Carolina 29461.

Comment date: February 26, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Central Hudson Gas & Electric Corporation

[Docket No. OA96-14-002]

Take notice that on January 28, 1997, Central Hudson Gas & Electric Corporation tendered for filing revised tariff pages for its open-access transmission tariff.

Comment date: March 6, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Central Illinois Public Service Company

[Docket No. OA97-510-000]

Take notice that on January 24, 1997, Central Illinois Public Service Company tendered for filing its Standard of Conduct pursuant to Order No. 889 and the Commission's Notice of Extension of Time issued December 16, 1996 extending the compliance date for CIPS to January 31, 1997.

Comment date: February 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97-3703 Filed 2-13-97; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-5689-8]

Agency Information Collection Activities: Emergency Processing of Proposed Collection: Safe Drinking Water Act State Revolving Fund Program Guidance**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 a Request for Emergency Processing of its proposed Information Collection Request (ICR #1803.01) to the Office of Management and Budget (OMB) regarding the Drinking Water State Revolving Fund (DWSRF) Program Guidance that is being developed as the result of the Safe Drinking Water Act (SDWA). The SDWA Amendments of 1996 (Pub. L. 104-182) authorize a DWSRF program to assist public water systems to finance the costs of infrastructure needed to achieve or maintain compliance with SDWA requirements and to protect public health.

The EPA began the ICR process with the first notice published in the Federal Register on December 31, 1996. This notice is in addition to and does not alter the comment process outlined in the December 31, 1996 notice. We are seeking emergency processing of the ICR to allow the awarding of capitalization grants beginning on February 28, 1997. Approval of the ICR through the emergency request process will allow a 90-day, temporary collection of the information needed to process those grants.

FOR FURTHER INFORMATION CONTACT: Clifford Yee (202) 260-5822; FAX: (202) 260-0116; E-mail: yee.clifford@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

Affected Entities: Entities potentially affected by this action are the 50 states, Puerto Rico, the District of Columbia, the Territories, and the recipients of assistance in each of these jurisdictions.

The EPA published notice regarding the Information Collection Request on

¹ 18 CFR 37.4.² 18 CFR 37.4(c).

December 31, 1996, and we will continue the process outlined in that announcement according to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). We will continue to accept comments during the initial 60-day comment period which ends March 2, 1997. The second comment period on the draft final ICR will begin shortly after the close of the initial comment period. We expect approval of the final ICR, which will allow for information collection for a three-year period, on approximately May 1, 1997.

The EPA is currently requesting emergency processing of its proposed ICR to meet a commitment to the states that capitalization grants will begin to be processed and awarded on February 28, 1997. This emergency processing request does not alter the original process outlined in the December 31, 1996 notice but provides for a 90-day, temporary collection of the information required to process grants. During that 90-day period, we anticipate receiving approval for the ICR for the three-year period.

Dated: February 6, 1997.

Michael B. Cook,

Director, Office of Wastewater Management.
[FR Doc. 97-3776 Filed 2-13-97; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5690-1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Hazardous Waste Management System: Land Disposal Restrictions "No-Migration" Variances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Hazardous Waste Management System: Land Disposal Restrictions "No-Migration" Variances, OMB Control Number 2050-0062, expiring on April 30, 1997. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 17, 1997.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260-2740, and refer to EPA ICR No. 1353.05.

SUPPLEMENTARY INFORMATION:

Title: Hazardous Waste Management System: Land Disposal Restrictions "No-Migration" Variances (OMB Control Number 2050-0062, EPA ICR No. 1353), expiring 4/30/97. This is a request for extension of a currently approved collection.

Abstract: The 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act (RCRA) of 1976 created substantial new requirements for those who manage hazardous waste. (See 42 U.S.C. 6905, 6912(a), 6921, 6924, 6925, and 6935.) The amendments prohibit land disposal of hazardous wastes beyond specified dates unless, as provided in RCRA Sections 3004 (d), (e), and (g), the owner/operator of a hazardous waste storage or disposal facility demonstrates to the Administrator of the Environmental Protection Agency (EPA) that there will be no migration of hazardous constituents from the land disposal unit for as long as the waste remains hazardous.

To receive a variance from the hazardous waste land disposal prohibitions under 40 CFR part 268.6, owner/operators of hazardous waste storage or disposal facilities may petition the Environmental Protection Agency to allow land disposal of a specific restricted waste at a specific site. The Agency will review the petitions and determine if they successfully demonstrate "no migration." The applicant must demonstrate that hazardous wastes can be managed safely in a particular land disposal unit, so that "no migration" of any hazardous constituent occurs from the unit for as long as the waste remains hazardous. If EPA grants the variance, the waste is no longer prohibited from land disposal in that particular unit. If the owner/operator fails to make this demonstration, or chooses not to petition for the variance, best demonstrated available technology (BDAT) requirements of 40 CFR 268.40 *et seq* must be met before the hazardous waste is placed in a land disposal unit. Responses to the collection of information are voluntary.

The information collected is not of a personal nature nor is it subject to the Privacy Act of 1974 or Office of Management and Budget Circular A-108. EPA expects that owners and operators may wish to maintain the confidentiality of certain information. Provisions for confidentiality are found in Section 3007 (b) of RCRA and in 40 CFR Part 2, which establishes EPA's general policy regarding public disclosure of information. Provisions for

confidentiality have also been included in 40 CFR Part 260, the general rule of the RCRA hazardous waste management system. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 11/1/96 (61FR56539); 1 comment was received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 9,506 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 1.

Estimated Number of Respondents: 1.

Frequency of Response: 1.

Estimated Total Annual Hour Burden: 9,506 hours.

Estimated Total Annualized Cost Burden: \$471,609.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1353.05 and OMB Control Number 2050-0062 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW., Washington, DC 20460 and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503

Dated: February 10, 1997.
Joseph Retzer,
Director, Regulatory Information Division.
[FR Doc. 97-3778 Filed 2-13-97; 8:45 am]
BILLING CODE 6560-50-P

[FRL-5688-3]

Ambient Air Monitoring Reference and Equivalent Methods; Equivalent Method Designation

Notice is hereby given that the EPA, in accordance with 40 CFR part 53, has designated another equivalent method for the measurement of ambient concentrations of sulfur dioxide. The new equivalent method is an automated method (analyzer) that utilizes a measurement principle based on pulsed UV fluorescence. The new designated method is identified as follows:

EQSA-0197-114, "Horiba Instruments, Incorporated, Model APSA-360 Ambient SO₂ Monitor," operated with a full scale range of 0-0.5 ppm, at any temperature in the range of 5 °C to 40 °C, with a Line Setting of "MEASURE", an Analog Output of "MOMENTARY VALUE", and with or without either of the following options: (1) Rack Mounting Plate and Side Rails, (2) RS-232 Communications Port.

This method is available from Horiba Instruments, Incorporated, 17671 Armstrong Avenue, Irvine, California 92714. The application for designation of this sulfur dioxide method was received on September 23, 1996.

A test analyzer representative of this method has been tested by the applicant, in accordance with the test procedures specified in 40 CFR part 53. After reviewing the results of these tests and other information submitted by the applicant, the EPA has determined, in accordance with part 53, that this method should be designated as an equivalent method. The information submitted by the applicant will be kept on file at the EPA's National Exposure Research Laboratory, Research Triangle Park, North Carolina 27711, and will be available for inspection to the extent consistent with 40 CFR part 2 (EPA's regulations implementing the Freedom of Information Act).

As a designated equivalent method, this method is acceptable for use by States and other air monitoring agencies under requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, the method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any limitations (e.g., operating range) specified in the applicable designation

(see description of the method above). Vendor modifications of a designated method used for purposes of part 58 are permitted only with prior approval of the EPA, as provided in part 53. Provisions concerning modification of such methods by users are specified under section 2.8 of appendix C to 40 CFR part 58 (Modifications of Methods by Users).

In general, this designation applies to any analyzer which is identical to the analyzer described in the designation. In many cases, similar analyzers manufactured prior to the designation may be upgraded (e.g., by minor modification or by substitution of a new operation or instruction manual) so as to be identical to the designated method and thus achieve designation status at a modest cost. The manufacturer should be consulted to determine the feasibility of such upgrading.

Part 53 requires that sellers of designated methods comply with certain conditions. These conditions are given in 40 CFR 53.9 and are summarized below:

- (1) A copy of the approved operation or instruction manual must accompany the analyzer when it is delivered to the ultimate purchaser.
- (2) The analyzer must not generate any unreasonable hazard to operators or to the environment.
- (3) The analyzer must function within the limits of the performance specifications given in table B-1 of part 53 for at least one year after delivery when maintained and operated in accordance with the operation manual.
- (4) Any analyzer offered for sale as a reference or equivalent method must bear a label or sticker indicating that it has been designated as a reference or equivalent method in accordance with part 53.

(5) If such an analyzer has two or more selectable ranges, the label or sticker must be placed in close proximity to the range selector and indicate which range or ranges have been included in the reference or equivalent method designation.

(6) An applicant who offers analyzers for sale as reference or equivalent methods is required to maintain a list of ultimate purchases of such analyzers and to notify them within 30 days if a reference or equivalent method designation applicable to the analyzers has been canceled or if adjustment of the analyzers is necessary under 40 CFR 53.11(b) to avoid a cancellation.

(7) An applicant who modifies an analyzer previously designated as a reference or equivalent method is not permitted to sell the analyzer (as modified) as a reference or equivalent

method (although he may choose to sell it without such representation), nor to attach a label or sticker to the analyzer (as modified) under the provisions described above, until he has received notice under 40 CFR 53.14(c) that the original designation or a new designation applies to the method as modified or until he has applied for and received notice under 40 CFR 53.8(b) of a new reference or equivalent method determination for the analyzer as modified.

Aside from occasional breakdowns or malfunctions, consistent or repeated noncompliance with any of these conditions should be reported to: Director, National Exposure Research Laboratory, Department E (MD-77B), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of this equivalent method will provide assistance to the States in establishing and operating their air quality surveillance systems under part 58. Technical questions concerning the method should be directed to the manufacturer. Additional information concerning this action may be obtained from Frank F. McElroy, Air Measurements Research Division (MD-77B), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, (919) 541-2622.

Dated: February 6, 1997.
Robert J. Huggett,
Assistant Administrator for Research and Development.
[FR Doc. 97-3774 Filed 2-13-97; 8:45 am]
BILLING CODE 6560-50-M

[ER-FRL-5477-5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 27, 1997 Through January 31, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 5, 1996 (61 FR 15251).

Draft EISs

ERP No. D-DOE-E09802-SC Rating EC2, Savannah River Site, Shutdown of

the River Water System (DOE/EIS-0268D), Implementation, Aiken, SC.

Summary: EPA expressed environmental concern regarding the disclosure of potential ecological risks. EPA requested that this issue be fully discussed in the final document.

ERP No. D-UAF-K11076-CA Rating EC2, Airborne Laser (ABL) Phase Program Definition and Risk Reduction Phase, Proposed Locations: Home Base Edwards Air Force Base; Diagnostic Test Range-White Sands Missile Range, NM; and Expanded Area Test Range-Western Range (Vandenberg Air Force Base and Point Mugu Naval Air Warfare Center Weapons Division), CA and NM.

Summary: EPA expressed environmental concerns due to potential effects to threatened and endangered species, and air quality and upper atmosphere. EPA requested additional information on these issues.

ERP No. DS-NOA-A91062-00 Rating LO, Atlantic Coast Weakfish Fishery, Fishery Management Plan, Implementation, Updated Information, Weakfish Harvest Control in the Atlantic Ocean Exclusive Economic Zone (EEZ), off the New England, Mid-Atlantic and South Atlantic Coasts.

Summary: EPA had no objections to the regulations.

Final EISs

ERP No. F-BIA-G09803-NM Jemez Mountains Electric Cooperative, Construction, Operation and Maintenance, El Rancho Substation, Sante Fe County, NM.

Summary: Review of the Final EIS has been completed and the project found to be satisfactory. No formal comment letter was sent to the preparing agency.

ERP No. F-CGD-A39137-00 Atlantic Protected Living Marine Resource Initiative, Implementation, Atlantic Ocean, from Maine to Florida.

Summary: EPA had no objections to the preferred alternative.

ERP No. F-GSA-E60015-GA, Clifton Road Campus of the Centers for Disease Control and Prevention, Acquisition of Additional Property, DeKalb County, GA.

Summary: EPA had no environmental concerns about this project.

ERP No. FA-AFS-L82010-00, Pacific Northwest Region National Forests, Nursery Pest Control Management Plan, Additional Information concerning Changes to a List of Chemical Pesticides and Streamlining the Process for Future Changes Approved for Use at J. Herbert Stone, Bend Pine and Wind River Nurseries and Dorena Tree Improvement Center, WA and OR.

Summary: Review of the Final EIS was not deemed necessary. No formal

comment letter was sent to the preparing agency.

Dated: February 11, 1997.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97-3809 Filed 2-13-97; 8:45 am]

BILLING CODE 6560-50-U

[ER-FRL-5477-4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564-7167 OR (202) 564-7153. Weekly receipt of Environmental Impact Statements Filed February 03, 1997 Through February 07, 1997 Pursuant to 40 CFR 1506.9.

EIS No. 970045, Draft Supplement, FRC, ME, Granite State Gas Transmission, Construction and Operation of a Liquefied Natural Gas Facility, Updated Information on Potential Alternative Sites, Permits and Approvals, In the Town of Wells, York County, ME, *Due:* March 31, 1997, *Contact:* Chris Zerby (202) 208-0111.

EIS No. 970046, Final Supplement, AFS, VA, WV, George Washington National Forest, Revised Land and Resource Management Plan, Consenting to Oil and Gas Leasing in Laurel Fork Special Management Area, Highland County, VA, *Due:* March 17, 1997, *Contact:* Dave Plunkett (540) 564-8300.

EIS No. 970047, Final EIS, NPS, NY, Manhattan

Sites General Management Plans, Implementation, Castle Clinton National Monument, Federal Hall National Memorial, General Grant National Memorial, Saint Paul's Church National Historic Site and Theodore Roosevelt Birthplace National Historic Site, New York and Westchester Counties, NY, *Due:* March 17, 1997, *Contact:* Joseph Avery (212) 825-6990.

EIS No. 970048, Final EIS, BLM, UT, Lisbon Valley Copper Project, Plan of Operations Approval for an Open Pit Copper Mine and Heach Operation in Lower Lisbon Valley, San Juan and Grand Counties, UT, *Due:* March 17, 1997, *Contact:* Lynn Jackson (801) 259-6111.

EIS No. 970049, Final EIS, NOAA, HI, Hawaiian Islands Humpback Whales and Their Habitat National Marine Sanctuary Management Plan, Implementation, Honolulu, Kauai and Maui Counties, HI, *Due:* March 17, 1997, *Contact:* W. Stanley Wilson (301) 713-3074.

EIS No. 970050, Final 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:* March 17, 1997, *Contact:* John Hill (619) 556-0250 ext.221.

EIS No. 970051, DRAFT EIS, NCP, DC, New Washington Convention Center, Construction and Operation, Possible Sites are Mount Vernon Square and Northeast No.1, Washington Convention Center Authority, Washington, DC, *Due:* March 31, 1997, *Contact:* Reginald Griffith (202) 724-0174.

EIS No. 970052, Final EIS, FTA, CA, South Sacramento Corridor, Transit Improvements, Funding, Sacramento, Yolo, EL Dorado and Placer Counties, CA, *Due:* March 17, 1997, *Contact:* Bob Hom (415) 744-3133.

EIS No. 970053, Draft EIS, BLM, WY, Cave Gulch-Bullfrog-Waltman Natural Gas Development Project, Implementation, Platte River Resource Area, Natrona County, WY, *Due:* April 01, 1997, *Contact:* Kate Padilla (307) 261-7603.

EIS No. 970054, Draft EIS, UAF, TX, Reese Air Force Base (AFB) Disposal and Reuse, Implementation, NPDES Permit and COE Section 404 Permit, Lubbock and Terry Counties, TX, *Due:* March 31, 1997, *Contact:* Robert Lopez (210) 536-6545.

EIS No. 970055, Draft Supplement, FAA, WA, Seattle-Tacoma International Airport Improvement, South Aviation Support Area, Airport Layout Plan, Airport Master Plan; Updated Information on Master Plan Development Actions, Funding, Section 10 and 404 Permits and NPDES Permit, Port of Seattle, King County, WA, *Due:* March 31, 1997, *Contact:* Dennis Ossenkop (206) 227-2611.

EIS No. 970056, Draft Supplement, USN, PR, VA, Relocatable Over the Horizon Radar (ROTHR) System Construction and Operation, New and Updated Information on Fort Allen as Potential Site, Commonwealth of Puerto Rico and Chesapeake, VA, *Due:* March 31, 1997, *Contact:* Linda Blount (757) 322-4892.

Amended Notices

EIS No. 960099, Draft EIS, AFS, OR, Red Mountain Project, Implementation, Three Timber Sales: Twin, Muddy Creek and Gee, Wallowa-Whitman National Forest, Baker Ranger District, Baker County, or, *Due:* *Contact:* Barry Hansen (503) 523-6391. Published FR 01-19-96—Officially Withdrawn by the Preparing Agency.

EIS No. 960587, Draft EIS, AFS, OR, Robinson-Scott Landscape Management Project, Timber Harvest and other Vegetation Management, Willamette National Forest, McKenzie Ranger District, Lane and Linn Counties, or, *Due:* February 24, 1997, *Contact:* John Allen (541) 822-3381. Published FR 12-27-96—Review Period extended.

EIS No. 970044, Final EIS, AFS, CA, Dinkey Allotment Livestock Grazing Strategies, Implementation, Sierra National Forest, Fresno County, CA, *Due:* March 10, 1997, *Contact:* Terry Elliott (209) 297-0706 ext.4881. Published FR-02-07-97—Telephone Number Correction. Dated: February 11, 1997.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97-3810 Filed 2-13-97; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5690-2]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection—Diamond Shamrock Refining Company, L.P. (Diamond)

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Diamond, for the Class I injection wells located at Sun Ray, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows Diamond, to inject specific restricted hazardous wastes identified in the exemption, into the Class I hazardous waste injection wells at the Sun Ray, Texas facility, for as long as the basis for granting an approval of this exemption remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued December 2, 1996. The public comment period ended on January 21, 1997. No comments were received. This decision

constitutes final Agency action and there is no administrative appeal.

DATES: This action is effective as of February 6, 1997.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ-S), 1445 Ross Avenue, Dallas, Texas 75202-2733.

FOR FURTHER INFORMATION CONTACT: Larry D. Wright, Chief, Source Water Protection Branch, EPA—Region 6, telephone (214) 665-7150.

William B. Hathaway, Director, Water Quality Protection Division (6WQ).

[FR Doc. 97-3777 Filed 2-13-97; 8:45 am]

BILLING CODE 6560-50-P

[FRL-5689-4]

Community-Based Environmental Protection Committee of the National Advisory Council for Environmental Policy and Technology; Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: Under the Federal Advisory Committee Act, Pub. L. 92463, EPA gives notice of a two-day meeting of the Community-Based Environmental Protection Committee of the National Advisory Council for Environmental Policy and Technology (NACEPT). NACEPT provides advice and recommendations to the Administrator of EPA on a broad range of environmental policy issues, and the Community-Based Environmental Protection Committee was formed to identify opportunities for harmonizing environmental policy, economic activity, and ecosystem management.

The meeting is being held to discuss recommendations the Committee plans to submit to EPA. Scheduling constraints preclude oral comments from the public during the meeting. Written comments can be submitted by mail, and will be transmitted to Committee members for consideration.

DATES: The public meeting will be held on Tuesday, March 11, 1997, and Wednesday, March 12, 1997, at the Embassy Suites Hotel, 1250 22nd Street, N.W., Washington, D.C. On Tuesday, March 11, the Committee will meet from 9:00 a.m. to 5:00 p.m., and on Wednesday, March 12, the Committee will meet from 9:00 a.m. to 4:00 p.m.

ADDRESSES: Written comments should be sent to: Deborah Ross, Office of

Cooperative Environmental Management, U.S. EPA (1601F), 401 M Street SW, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Deborah Ross, Designated Federal Officer, Direct line (202) 260-9752, Secretary's line (202) 260-9744.

Dated: January 23, 1997.

Deborah Ross,

Designated Federal Officer.

[FR Doc. 97-3775 Filed 2-13-97; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Being Reviewed by the Federal Communications Commission

February 10, 1997.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarify of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Persons wishing to comment on this information collection should submit comments April 15, 1997.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commissions, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202-418-0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Number: 3060-0589.

Title: Remittance Advice Form.

Type of Review: Revision of currently approved collection.

Form Number: FCC Form 159/159-C.

Respondents: Businesses or other for-profit; individuals or households; small business or organizations.

Number of Respondents: 213,500.

Estimated time per response: 15 minutes

Total annual burden: 53,375 hours.

Needs and Uses: Fees, Fines & Debts.

This form is the Commission's remittance advice and is to accompany any payment submitted with it. The purpose of the form is to provide the identity of the payor, the amount being paid, and the reason the payment is being made.

Specific identification of the payor, such as call sign, or the bill that was rendered, such as invoice number, is also required. This information facilitates the efficient and accurate processing of the Commission's collections by its designated entities, such as a lockbox bank. In Public Law 104-134, Chapter 10, Section 31001, signed April, 1966, the head of each Federal agency must require each person doing business with that agency to furnish to it such person's taxpayer identifying number. Effective July, 1996 the U.S. Treasury will "flag" (and notify the Commission) and all payment requests to anyone doing business with the U.S. Government, if their taxpayer identifying number has not been furnished. The information will be used by the FCC and the U.S. Treasury for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government. For businesses, the taxpayer identifying number is its Internal Revenue Service-issued employer identification number. This number is currently used by the FCC as the business' account number for identification purposes only. Obtaining a social security number from an individual is a new requirement imposed on all Federal agencies.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97-3686 Filed 2-13-97; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL HOUSING FINANCE BOARD**Sunshine Act Meeting; Announcing an Open Meeting of the Board**

TIME AND DATE: 10:00 a.m., Wednesday, February 19, 1997.

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.

MATTER TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Advances to Non-members—Final Rule.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408-2837.

Rita I. Fair,

Managing Director.

[FR Doc. 97-3889 Filed 2-12-97; 11:30 am]

BILLING CODE 6725-01-P

FEDERAL MARITIME COMMISSION**Notice of Agreement(s) Filed**

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the Federal Register.

Agreement No.: 202-010982-021.

Title: Florida-Bahamas Shipowners and Operators Association Agreement.

Parties:

Tropical Shipping & Construction Co., Ltd.

Pioneer Shipping Ltd.

SeaXpress, Inc.

CS Med Shipping (Bahamas) Ltd.

Savoy Shipping Company

Crowley American Transport, Inc.

Arawak Bahamas Line, Ltd.

Kirk Line, A Division of Seaboard Marine, Ltd.

Synopsis: The proposed Agreement expands the geographic scope of the Agreement to include ports and points in the Cayman Islands, and to substitute Seaboard Marine, Ltd., for Kirk Line, a Division of Seaboard Marine, Ltd., as a member of the Agreement.

Agreement No.: 224-201017.

Title: Port of San Francisco/Maruba S.C.A. Terminal Agreement.

Parties:

San Francisco Port Commission

("Port")

Maruba S.C.A. ("Maruba")

Synopsis: The proposed Agreement gives Maruba the non-exclusive right to

use the Port's South Container Terminal at discounted dockage and wharfage rates for a period of five years.

Dated: February 11, 1997.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 97-3711 Filed 2-13-97; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Revocations

The Federal Maritime Commission hereby gives notice that the following freight forwarder licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, effective on the corresponding revocation dates shown below:

License Number: 3679.

Name: Alpha Cargo Services, Inc.

Address: c/o Sonya Salkin, Malnik & Salkin, 1776 North Pine Island Road, Suite 216, Plantation, FL 33322.

Date Revoked: December 19, 1996.

Reason: Failed to maintain a valid surety bond.

License Number: 170.

Name: Cavalier Shipping Co., Inc.

Address: 5445 Henneman Drive, 100 Trade Winds Center, Norfolk, VA 23513.

Date Revoked: January 15, 1997.

Reason: Surrendered license voluntarily.

License Number: 3893.

Name: Global Shipping and Trade Services, Inc.

Address: 2000 South Yale Street, Santa Ana, CA 92704.

Date Revoked: January 17, 1997.

Reason: Failed to maintain a valid surety bond.

License Number: 3800.

Name: Hidalgo, Inc.

Address: 1427 Hudson Street, Kenner, Louisiana 70062.

Date Revoked: December 18, 1996.

Reason: Surrendered license voluntarily.

License Number: 2661.

Name: Interfreight Shipping Corp.

Address: c/o H and M Company, 700 Belville Turnpike, Carney, NJ 07032.

Date Revoked: December 14, 1996.

Reason: Failed to maintain a valid surety bond.

License Number: 3450.

Name: Ki Suck Chae d/b/a Pioneer Express Line.

Address: 15111 South Figueroa Street, Gardena, CA 90248.

Date Revoked: January 12, 1997.

Reason: Failed to maintain a valid surety bond.

License Number: 3799.

Name: Marco Forwarding International Co.

Address: 5750 N.W. 32nd Court, Miami, FL 33142.

Date Revoked: December 22, 1996.

Reason: Failed to maintain a valid surety bond.

License Number: 216.

Name: Pafco Forwarders, Inc.

Address: 157 N.E. 8th Street, Miami, FL 33132.

Date Revoked: December 7, 1996.

Reason: Failed to maintain a valid surety bond.

Bryant L. VanBrakle,

Director, Bureau of Tariffs, Certification and Licensing.

[FR Doc. 97-3712 Filed 2-13-97; 8:45 am]

BILLING CODE 6730-01-M

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission

TIME AND DATE: 10:00 a.m.—February 19, 1997

PLACE: 800 North Capitol Street, NW.—Room 905, Washington, D.C.

STATUS: Closed

MATTER(S) TO BE CONSIDERED:

1. Docket No. 96-20—*Port Restrictions and Requirements in the United States/Japan Trade*—Consideration of Comments.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,
Secretary.

[FR Doc. 97-3890 Filed 2-12-97; 11:30 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency information collection activities: Submission for OMB review; comment request

AGENCY: Board of Governors of the Federal Reserve System (Board).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Board hereby gives notice that it has submitted to the Office of Management and Budget (OMB) on behalf of the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Board

(the agencies) a request for approval of the information collection system described below. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number. **DATES:** Comments must be submitted on or before March 17, 1997.

ADDRESSES: Comments, which should refer to the OMB control number, should be addressed to the OMB desk officer for the Board: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503. Comments should also be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, N.W., Washington, DC 20551, or delivered to the Board's mail room between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mail room and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, N.W. Comments received may be inspected in room M-P-500 between 9:00 a.m. and 5:00 p.m., except as provided in section 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

FOR FURTHER INFORMATION CONTACT: A copy of the Paperwork Reduction Act Submission (OMB 83-I), supporting statement, and other documents that have been submitted to OMB for review and approval may be requested from the agency clearance officer, whose name appears below.

Mary M. McLaughlin, Federal Reserve Board Clearance Officer (202-452-3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. For Telecommunications Device for the Deaf (TDD) users only, Dorothea Thompson, (202-452-3544), Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION:

Proposal to request approval from OMB of the extension, with revision, of the following report:

1. *Report title:* Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks

Form number: FFIEC 002

OMB control number: 7100-0032

Frequency: Quarterly

Reporters: U.S. branches and agencies of foreign banks

Annual reporting hours: 46,683

Estimated average hours per response: 22.75

Number of respondents: 513
Small businesses (that is, small U.S. branches and agencies of foreign banks) are affected.

General description of report: This information collection is mandatory (12 U.S.C. 3105(b)(2), 1817(a)(1) and (3), and 3102(b)). Except for select sensitive items, this information collection is not given confidential treatment (5 U.S.C. 552(b)(8)).

Abstract: On November 5, 1996, the Board published on behalf of the three agencies, a notice in the *Federal Register* (61 FR 56957) describing in detail and inviting comment on the proposed changes to this collection of information. This notice provides the public with the opportunity to obtain, review, and comment on, the Board's supporting statement.

On a quarterly basis, all U.S. branches and agencies of foreign banks (U.S. branches) are required to file detailed schedules of assets and liabilities in the form of a condition report and a variety of supporting schedules. This balance sheet information is used to fulfill the supervisory and regulatory requirements of the International Banking Act of 1978. The data are also used to augment the bank credit, loan, and deposit information needed for monetary policy purposes. The Federal Reserve System collects and processes this report on behalf of all three agencies.

Current Actions: Effective with the March 31, 1997, report date, generally accepted accounting principles (GAAP) would be used as the reporting basis for the FFIEC 002, although it should be noted that GAAP need not be applied to immaterial items. Changes would be made to the reporting instructions for the following topics to bring them into conformity with GAAP: treatment of assets sold with recourse; treatment of futures, forward, and standby contracts; general prohibition on the netting of assets and liabilities; the initial valuation of foreclosed assets; the treatment of repurchase agreements; and the treatment of reciprocal balances. The changes to the FFIEC 002 reporting forms as of March 31, 1997, reflect new items that would be added for

(1) The amount of assets netted against liabilities to nonrelated parties (excluding deposits in insured branches) on the balance sheet in accordance with GAAP,

(2) For insured branches, the amount of assets netted against deposit liabilities of the branch (excluding IBF) on the balance sheet in accordance with GAAP,

(3) Credit derivatives,

(4) Significant components of other assets including claims on nonrelated parties, and other liabilities to nonrelated parties,

(5) And the number of full-time equivalent employees at each U.S. branch. These new items would conform with items proposed or previously added to the commercial bank Reports of Condition and Income (Call Report) (FFIEC 031-034; OMB No. 7100-0036). Other changes include revising the instructions for the reporting of "when-issued securities" and for "firm commitments to sell residential mortgage loans." Clarifications or other conforming changes would also be made to several other instructions. The Board did not receive any letters of comment in response to the notice published in the *Federal Register* requesting comment on the proposed revisions to the FFIEC 002 for 1997. However, the agencies did receive a comment letter in response to a proposed instructional change related to the reporting of "when-issued securities" commitments on the Call Report. The commenter observed that the Financial Accounting Standards Board (FASB) defined the term "derivative financial instrument" in its June 1996 exposure draft of the proposed accounting standard "Accounting for Derivative and Similar Financial Instruments and for Hedging Activities" as a financial instrument that generally does not require the holder or writer of the instrument to own or deliver the underlying. This commenter felt it would be confusing to report when-issued securities as derivatives in Schedule RC-L if they are not reported as such for other financial reporting purposes. The Federal Financial Institutions Examination Council decided that institutions that do not include "when-issued securities" commitments as part of their disclosures about derivatives for other financial reporting purposes would be permitted to report commitments to sell "when-issued securities" as "other off-balance sheet assets" and commitments to purchase "when-issued securities" as "other off-balance sheet liabilities" in Schedule RC-L. For purposes of consistency, the agencies also will provide this option in the FFIEC 002 instructions.

Board of Governors of the Federal Reserve System, February 10, 1997.

William W. Wiles,

Secretary of the Board.

[FR Doc. 97-3770 Filed 2-13-97; 8:45 am]

BILLING CODE 6210-01-F

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: Approximately 11:00 a.m., Wednesday, February 19, 1997, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 12, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-3882 Filed 2-12-97; 11:30 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE BOARD

Sunshine Act; Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System

TIME AND DATE: 10:00 a.m., Wednesday, February 19, 1997.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to Regulation Y (Bank Holding Companies and Change in Bank Control) to eliminate unnecessary regulatory burden (proposed earlier for public comment; Docket No. R-0935).
2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for \$5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 12, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97-3883 Filed 2-12-97; 11:30 am]

BILLING CODE 6210-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP), in Association With the Meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Hanford Health Effects Subcommittee

The Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following five meetings.

NAME: Public Meeting of the Inter-Tribal Council on Hanford Health Projects (ICHHP), in association with the meeting of the Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Hanford Health Effects Subcommittee (HHES).

DATES: February 19, 1997, May 7, 1997.

TIMES: 9 a.m.-5 p.m.

PLACE:

Red Lion Hotel/Jantzen Beach, 909 North Hayden Island Drive, Portland, Oregon 97217

Cavanaugh's at Columbia Center, 1101 Columbia Center Boulevard, Kennewick, Washington 99336,
Tel: 503/283-4466, 509/783-0611.

Fax: 503/283-4743, 509/735-3087.

DATES: July 23, 1997, October 8, 1997.

TIMES: 9 a.m.-5 p.m., 9 a.m.-5 p.m.

PLACE:

Marines' Memorial Club, 609 Sutter Street (at Mason), San Francisco, California 94102

Coeur d'Alene Inn, West 414 Appleway, Coeur d'Alene, Idaho 83814.

Tel: 415/673-6672, 208/765-3200.

Fax: 415/441-3649, 208/664-1962.

Date: December 10, 1997.

Time: 9 a.m.-5 p.m.

Place: Madison Hotel, 515 Madison Street, Seattle, Washington 98104.

Tel: 206/583-0300.

Fax: 206/624-8125.

STATUS: Open to the public, limited only by the space available. The meeting

rooms accommodate approximately 50 people.

BACKGROUND: A Memorandum of Understanding (MOU) was signed in October 1990 and renewed in November 1992 between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

In addition, under an MOU signed in December 1990 with DOE, the Department of Health and Human Services (HHS) has been given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production and use. HHS has delegated program responsibility to CDC.

Community involvement is a critical part of ATSDR's and CDC's energy-related research and activities and input from members of the ICHHP is part of these efforts. The ICHHP will work with the HHES to provide input on American Indian health effects at the Hanford, Washington site.

PURPOSE: The purpose of these meetings is to address issues that are unique to tribal involvement with the HHES, including considerations regarding a proposed medical monitoring program and explorations of options and alternatives to providing support for tribal involvement in HHES.

MATTERS TO BE DISCUSSED: Agenda items will include a dialogue on issues that are unique to tribal involvement with the HHES. This will include exploring options and alternatives to providing support for tribal involvement in HHES and a discussion of tribal representation on HHES.

Agenda items are subject to change as priorities dictate.

CONTACT PERSON FOR MORE INFORMATION: Linda A. Carnes, Health Council Advisor, ATSDR, 1600 Clifton Road, NE, M/S E-28, Atlanta, Georgia 30333, telephone 404/639-0730, FAX 404/639-0759.

Dated: February 7, 1997.
 Carolyn J. Russell,
*Director, Management Analysis and Services
 Office Centers for Disease Control and
 Prevention (CDC).*
 [FR Doc. 97-3732 Filed 2-13-97; 8:45 am]
BILLING CODE 4163-70-P

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 1997 Funding Opportunities for Knowledge Development and Application Cooperative Agreements

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.
ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS), Center for Substance Abuse Prevention (CSAP), and Center for Substance Abuse Treatment (CSAT) announce the availability of FY 1997 funds for Knowledge Development and Application cooperative agreements for the following activity. This activity, a collaborative effort of SAMHSA and The Casey Family Program, is discussed in more detail under Section 4 of this notice. This notice is not a complete description of the activity; potential applicants *must* obtain a copy of the Guidance for Applicants (GFA) before preparing an application.

Activity	Application deadline	Estimated funds available (million)	Estimated number of awards	Project period (years)
Starting Early Starting Smart	04/17/97	\$6.4	11	4

Note: SAMHSA published notices of available funding opportunities in FY 1997 in the Federal Register (Vol. 62, No. 16) on Friday, January 24, 1997, and in (Vol. 62, No. 27) on Monday, February 10, 1997. It anticipates publishing additional notices of available funding opportunities in the coming weeks.

The actual amount available for awards and their allocation may vary, depending on unanticipated program requirements and the volume and quality of applications. Awards are usually made for grant periods from one to three years in duration. FY 1997 funds for activities discussed in this announcement were appropriated by the Congress under Pub. L. 104-208. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative

agreement applications were published in the Federal Register (Vol. 58, No. 126) on July 2, 1993.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The SAMHSA Centers' substance abuse and mental health services activities address issues related to Healthy People 2000 objectives of Mental Health and Mental Disorders; Alcohol and Other Drugs; Clinical Preventive Services; HIV Infection; and Surveillance and Data Systems. Potential applicants may obtain a copy of Healthy People 2000 (Full Report: Stock No. 017-001-00474-0) or Summary Report: Stock No. 017-001-

00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone: 202-512-1800).

GENERAL INSTRUCTIONS: Applicants must use application form PHS 5161-1 (Rev. 5/96; OMB No. 0937-0189). The application kit contains the GFA (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161-1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from the organization specified in Section 4.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. This is to ensure receipt of

all necessary forms and information, including any specific program review and award criteria.

The PHS 5161-1 application form is also available electronically via SAMHSA's World Wide Web Home Page (address: <http://www.samhsa.gov>). Click on SAMHSA Funding Opportunities for instructions. You can also click on the address of the forms distribution Web Page for direct access.

The full text of the activity (i.e., the GFA) described in Section 4 is available electronically via the following:

SAMHSA's World Wide Web Home Page (address: <http://www.samhsa.gov>) and SAMHSA's Bulletin Board (800-424-2294 or 301-443-0040).

APPLICATION SUBMISSION: Applications must be submitted to: SAMHSA Programs, Division of Research Grants, National Institutes of Health, Suite 1040, 6701 Rockledge Drive MSC-7710, Bethesda, Maryland 20892-7710*

(* Applicants who wish to use express mail or courier service should change the zip code to 20817.)

APPLICATION DEADLINES: The deadline for receipt of applications is listed in the table above.

Competing applications must be received by the indicated receipt date to be accepted for review. An application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and that date is not later than one week prior to the deadline date. Private metered postmarks are not acceptable as proof of timely mailing.

Applications received after the deadline date and those sent to an address other than the address specified above will be returned to the applicant without review.

FOR FURTHER INFORMATION CONTACT: Requests for activity-specific technical information should be directed to the program contact person identified in Section 4.

Requests for information concerning business management issues should be directed to the grants management contact person identified in Section 4.

SUPPLEMENTARY INFORMATION: To facilitate the use of this Notice of Funding Availability, information has been organized as outlined in the Table of Contents below. For each activity, the following information is provided.

- Application Deadline.
- Purpose.
- Priorities.
- Eligible Applicants.
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1. Program Background and Objectives

SAMHSA's mission within the Nation's health system is to improve the quality and availability of prevention, early intervention, treatment, and rehabilitation services for substance abuse and mental illnesses, including co-occurring disorders, in order to improve health and reduce illness, death, disability, and cost to society.

Reinventing government, with its emphases on redefining the role of Federal agencies and on improving customer service, has provided SAMHSA with a welcome opportunity to examine carefully its programs and activities. As a result of that process, SAMHSA is moving assertively to create a renewed and strategic emphasis on using its resources to generate knowledge about ways to improve the prevention and treatment of substance abuse and mental illness and to work with State and local governments as well as providers, families, and consumers to effectively use that knowledge in everyday practice. As part of this reinvention effort, SAMHSA has also explored collaborating with other organizations which share our interest in funding the development of knowledge in which we share a mutual interest. In the instant case, SAMHSA is engaging in a limited collaborative effort with The Casey Family Program to fund, monitor, and evaluate the projects funded under this GFA. The Casey Family Program has provided a portion of the funds SAMHSA will use in making awards under this GFA. In addition, The Casey Family Program may decide to select several of the projects funded by this program to assist in supporting program operations

beyond the life of Federal support. The selection of these grantees will be solely within The Casey Family Program's discretion.

The agency has transformed its demonstration grant programs from service-delivery projects to knowledge acquisition and application. For FY 1997, SAMHSA has developed an agenda of new programs designed to answer specific important policy-relevant questions. These questions, specified in this and subsequent Notices of Funding Availability, are designed to provide critical information to improve the Nation's mental health and substance abuse treatment and prevention services.

The agenda is the outcome of a process whereby providers, services researchers, consumers, National Advisory Council members and other interested persons participated in special meetings or responded to calls for suggestions and reactions. From this input, each SAMHSA Center developed a "menu" of suggested topics. The topics were discussed jointly and an agency agenda of critical topics was agreed to. The selection of topics depended heavily on policy importance and on the existence of adequate research and practitioner experience on which to base studies. While SAMHSA's FY 1997 programs will sometimes involve the evaluation of some delivery of services, they are services studies and application activities, not merely evaluation, since they are aimed at answering policy-relevant questions and putting that knowledge to use.

SAMHSA differs from other agencies in focusing on needed information at the services delivery level, and in its question-focus. Dissemination and application are integral, major features of the programs. SAMHSA believes that it is important to get the information into the hands of the public, providers, and systems administrators as effectively as possible. Technical assistance, training, preparation of special materials will be used, in addition to normal communications means.

2. Special Concerns

SAMHSA's FY 1997 Knowledge Development and Application activities discussed below do not provide funds for mental health and substance abuse treatment and prevention services except for costs required by the particular activity's study design. Applicants are required to propose true knowledge application or knowledge development and application projects. Applications seeking funding for

services projects will be considered nonresponsive. Applications that are incomplete or nonresponsive to the GFA will be returned to the applicant without further consideration.

3. Criteria for Review and Funding

Consistent with the statutory mandate for SAMHSA to support activities that will improve the provision of treatment, prevention and related services, including the development of national mental health and substance abuse goals and model programs, competing applications requesting funding under the specific project activity in Section 4 will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures.

3.1 General Review Criteria

As published in the Federal Register on July 2, 1993 (Vol. 58, No. 126), SAMHSA's "Peer Review and Advisory Council Review of Grant and Cooperative Agreement Applications and Contract Proposals," peer review groups will take into account, among other factors as may be specified in the application guidance materials, the following general criteria:

- Potential significance of the proposed project;
- Appropriateness of the applicant's proposed objectives to the goals of the specific program;
- Adequacy and appropriateness of the proposed approach and activities;
- Adequacy of available resources, such as facilities and equipment;
- Qualifications and experience of the applicant organization, the project director, and other key personnel; and
- Reasonableness of the proposed budget.

3.2 Funding Criteria for Scored Applications

Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council (if applicable) review process.

Other funding criteria will include:

- Availability of funds.

Additional funding criteria specific to the programmatic activity may be included in the application guidance materials.

4. Special FY 1997 Substance Abuse and Mental Health Services Administration Activities

4.1 Cooperative Agreements

A major SAMHSA cooperative agreement program is discussed below. Substantive Federal programmatic involvement is required in cooperative

agreement programs. Federal involvement will include planning, guidance, coordination, and participating in programmatic activities (e.g., participation in publication of findings and on steering committees). Periodic meetings, conferences and/or communications with the award recipients may be held to review mutually agreed-upon goals and objectives and to assess progress. Additional details on the degree of Federal programmatic involvement will be included in the application guidance materials.

4.1.1 Cooperative Agreements for Integrating Mental Health and Substance Abuse Prevention and Treatment Services With Primary Health Care Service Settings or With Early Childhood Service Settings, for Children Ages Birth to 7 and Their Families/Caregivers (Short Title: *Starting Early Starting Smart*)

- *Application Deadline:* April 17, 1997
- *Purpose:* Cooperative agreements will be awarded to support knowledge development and application (KDA) efforts to generate new knowledge about and test the effectiveness for children ages birth to 7 and their families/caregivers, of integrating mental health and substance abuse prevention and treatment services (behavioral health services), with primary health care service settings and/or with early childhood service settings, and to synthesize the results of this effort, and compare it to the usual standard of community care.

Cooperative agreements will be awarded for two kinds of applications: Knowledge Development Starting Early Starting Smart (SESS) sites and a data coordinating center.

The primary goal of this program is to provide answers to the following questions:

- (1) Will the integration of behavioral health services with a primary health care or early childhood service site lead to higher rates of entry into prevention, early intervention or treatment of children/families identified as in need of behavioral health services as compared to children/families served in primary health care or early childhood service settings where no such integration or services takes place?
- (2) Will the integration of behavioral health services with a primary health care or early childhood service site promote and sustain measurable improvements (social, emotional, and cognitive) in children and families served, compared to children and families in primary health care or early

childhood service settings where no such integration of services takes place?

- *Priorities:* None.
- *Eligible Applicants:* Applications for either SESS sites or the data coordinating center may be submitted by units of State or local governments and by domestic private nonprofit and for-profit organizations such as community-based organizations, universities, colleges, and hospitals.

Each SESS site proposal must include documentation regarding the existence of an infra-structure and two years of experience providing behavioral health and other relevant services to the target population.

• *Cooperative Agreements/Amounts:* Approximately \$5.9 million will be available to support approximately 10 SESS site awards and \$500,000 to support one data coordinating center award under this GFA in FY 1997. Actual funding levels will depend upon the availability of appropriated funds.

- *Catalog of Federal Domestic Assistance Number:* 93.230
- *Program Contact:* For programmatic or technical assistance, contact:

Rose C. Kittrell, MSW, Starting Early—Starting Smart, Early Childhood Collaboration, Substance Abuse and Mental Health Services Administration, Rockwall II, Room 1075, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-0354 or (301) 443-9110.

• *Grants Management Contact:* For business management assistance, contact: Mary Lou Dent, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, Rockwall II, Room 640, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-5702.

• *Application Kits:* Application kits are available from: National Clearinghouse for Alcohol and Drug Information, PO Box 2345, Rockville, MD 20847-2345, 1-800-729-6686; 1-800-487-4889 TDD, Via Internet: www.health.org (go into Forum Section of the web site, click on "CSAP FY 97 grant opportunities").

Visually impaired: disk versions of the application may be requested.

5. Public Health System Reporting Requirements

The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not

transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

- a. A copy of the face page of the application (Standard form 424).
- b. A summary of the project (PHSIS), not to exceed one page, which provides:
 - (1) A description of the population to be served.
 - (2) A summary of the services to be provided.
 - (3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements.

Application guidance materials will specify if the FY 1997 activity described above is/is not subject to the Public Health System Reporting Requirements.

6. PHS Non-Use of Tobacco Policy Statement

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Pub. L. 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Specific application guidance materials may include more detailed guidance as to how a Center will implement SAMHSA's policy on promoting the non-use of tobacco.

117. Executive Order 12372

Applications submitted in response to the FY 1997 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance.

Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects

servicing more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Office of Extramural Activities Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17-89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: February 10, 1997.
Richard Kopanda,
Executive Officer, Substance Abuse and Mental Health Administration.
[FR Doc. 97-3713 Filed 2-13-97; 8:45 am]
BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4124-N-25]

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 reviewed in 1996 for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such

agencies or by GSA regarding its inventory of excess or surplus Federal property.

In accordance with 24 CFR § 581.3(b) landholding agencies are required to notify HUD by December 31, 1996, the current availability status and classification of each property controlled by the Agencies that were published by HUD as suitable and available which remain available for application for use by the homeless.

Pursuant to 24 CFR § 581.8 (d) and (e) HUD is required to publish a list of those properties reported by the Agencies and a list of suitable/unavailable properties including the reasons why they are not available.

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 more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Derrick Mitchell, CECPW-FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria VA 22310-3862 (703) 428-6083; Corps of Engineers: Bob Swieconeck, Army Corps of Engineers, Management and Disposal Division, Room 4224, 20 Massachusetts Ave. NW, Washington, DC 20314-1000; (202) 761-1753; U.S. Navy: John J. Kane, Dept. of Navy, Real Estate Operations, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332-2300; (703) 325-0474; U.S. Air Force: Barbara Jenkins, Air Force Real Estate Agency (Area/MI), Bolling AFB, 112 Luke Avenue, Suite 104, Washington, DC 20332-8020; (202) 767-4184; GSA: Brian K. Polly, Office of Property Disposal, GSA, 18th and F Streets NW, Washington, DC 20405; (202) 501-2059;

Dept. of Veterans Affairs: George L. Szwarcman, Land Management Service, Dept. of Veterans Affairs, room 414, Lafayette Bldg., 811 Vermont Ave. NW, Washington, DC 20420; (202) 565-5941; Dept. of Energy: Marsha Penhaker, Facilities Planning and Acquisition Branch, FM-20, Room 6H-058, Washington, DC 20585; (202) 586-1191; Dept. of Transportation: Eugene Spruill, Space Management, Transportation Administrative Service Center, DOT, 400 Seventh St. SW, room 2310, Washington, DC 20590; (202) 366-4246; Dept. of Interior: Lola D. Knight, Property Management, Dept. of Interior, 1849 C St. NW, Mailstop 5512-MIB, Washington, DC 20240; (202) 208-4080; (These are not toll-free numbers).

Dated: February 7, 1997.

Jacquie M. Lawing,
Deputy Assistant Secretary for Economic Development.

TITLE V PROPERTIES REPORTED IN YEAR 96 WHICH ARE SUITABLE AND AVAILABLE

Air Force

Arizona

Buildings

38 Family Housing
Property Number: 189510036
Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025-
Status: Excess
Comment: 1170 sq. ft. ea., 1 story relocatable framed residences, good condition, secured area w/alternate access.

26 Family Housing
Property Number: 189510037
Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025-
Status: Excess
Comment: 1456 sq. ft. ea., 1 story block frame residences, off-site removal only, good condition.

18 Detached Garages
Property Number: 189510039
Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025-
Location: Inc. bldgs. 630, 640, 670, 680, 710, 720, 760, 790, 800, 820, 840, 870, 880, 910, 920, 950, 960 on Milan Loop
Status: Excess
Comment: 186 sq. ft. ea., wood frame, 1 story, good condition, off-site removal only, most recent use—storage.

Facility #1004
Property Number: 189510040
Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025-
Status: Excess
Comment: 1734 sq. ft., slump blocks frame, 1 story, good condition, off-site removal only, most recent use—residence.

Facility #4250
Property Number: 189510043

Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, Co: Maricopa, Zip: 86025-
Status: Excess
Comment: 7800 sq. ft., prefab steel frame, 2 story, good condition, off-site removal only, most recent use—dormitory.
Facility #4252
Property Number: 189510044
Fed Reg Date: 08/23/96
Gila Bend AF Auxiliary Field
Gila Bend, AZ, CO: Maricopa, Zip: 86025-
Status: Excess
Comment: 144 sq. ft., metal frame, 1 story, good condition, off-site removal only, most recent use—storage.

California

Land

60 ARG/DE
Property Number: 189010189
Fed Reg Date: 08/23/96
Project Name: Travis Air Force Base
Travis ILS Outer Marker Annex
Rio-Dixon Road
Travis AFB, CA, Co: Solano, Zip: 94535-5496
Location: State Highway 113
Status: Excess
Comment: .13 acres; most recent use—location for instrument landing systems equipment.

Buildings

Bldg. 604
Property Number: 189010237
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.
Bldg. 605
Property Number: 189010238
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 612
Property Number: 189010239
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 611
Property Number: 189010240
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 613
Property Number: 189010241
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000

Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 614
Property Number: 189010242
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 615
Property Number: 189010243
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 616
Property Number: 189010244
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 617
Property Number: 189010245
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing.

Bldg. 618
Property Number: 189010246
Fed Reg Date: 08/23/96
Project Name: Point Arena Air Force Station
Point Arena Air Force Station
CA, Co: Mendocino, Zip: 95468-5000
Status: Unutilized
Comment: 1232 sq. ft.; stucco-wood frame; most recent use—housing needs rehab.

Colorado

Buildings

Bldg. 08000
Property Number: 189620034
Fed Reg Date: 08/23/96
Lamar Comm. Facility
La Mar, CO, Co: Prowers, Zip: 81052-
Status: Excess
Comment: 2332 sq. ft. bldg. on approx. 3.67 acres, hook-ups disconnected, needs repair
GSA No.: 7-D-CO-6025.

Florida

Buildings

Bldg. 244
Property Number: 189520001
Fed Reg Date: 08/23/96
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825-
Status: Excess
Comment: 6239 sq. ft., masonry frame, needs rehab, secured area w/alternate access, most recent use—commissary.

Bldg. 242
Property Number: 189520002

Fed Reg Date: 08/23/96
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825-
Status: Excess
Comment: 8554 sq. ft., steel frame module,
secured area w/alternate access, most
recent use—exchange branch.

Bldg. 427

Property Number: 189520003
Fed Reg Date: 08/23/96
MacDill Auxiliary Airfield No. 1
Avon Park, FL, Co: Polk, Zip: 33825-
Status: Excess
Comment: 5258 sq. ft., metal & masonry
frame, secured area w/alternate access,
most recent use—bowling center.

Facility No. 0001

Property Number: 189610010
Fed Reg Date: 08/23/96
Cocoa Beach Comm. Annex No. 2
Cocoa Beach, FL, Co: Brevard, Zip: 32931-
Status: Unutilized
Comment: telephone switchgear bldg., 474
sq. ft., possible asbestos.

Facility No. 00901

Property Number: 189610011
Fed Reg Date: 08/23/96
Cocoa Beach Comm. Annex No. 1
Cocoa Beach, FL, Co: Brevard, Zip: 32931-
Status: Unutilized
Comment: 1100 sq. ft., telephone switch
bldg., possible asbestos.

Idaho

Buildings

Bldg. 121

Property Number: 189030007
Fed Reg Date: 08/23/95
Project Name: Mountain Home Air Force
Base
Mountain Home Air Force Base
Main Avenue
(See County), ID, Co: Elmore, Zip: 83648-
Status: Excess
Comment: 3375 sq. ft.; 1 story wood frame;
potential utilities; needs rehab; presence of
asbestos; building is set on piers; most
recent use—medical administration,
veterinary services.

Bldg. 611

Property Number: 189440016
Fed Reg Date: 08/23/95
Mountain Home Air Force Base
Mountain Home AFB, ID, Co: Elmore, Zip:
83648-
Status: Underutilized
Comment: 3200 sq. ft., 1 story wood frame,
needs repair, presence of lead base paint
and asbestos, most recent use—base
chapel.

Bldg. 2201

Property Number: 189520005
Fed Reg Date: 08/23/95
Mountain Home Air Force Base
Mountain Home, ID, Co: Elmore, Zip: 83648-
Status: Underutilized
Comment: 6804 sq. ft., 1 story wood frame,
most recent use—temporary garage for base
fire dept. vehicles, presence of lead paint
and asbestos shingles.

Maine

Land

Irish Ridge NEXRAD Site
Property Number: 189640017

Fed Reg Date: 12/13/96
Loring AFB
Fort Fairfield, ME, Co: Aroostook, Zip:
04742-
Status: Unutilized
Comment: 3.491 acres in fee simple.
Patten Communications Site
Property Number: 189640018
Fed Reg Date: 12/13/96
Loring AFB
Stacyville, ME, Co: Herseytown, Zip: 04742-
Status: Unutilized
Comment: 19.3 acres in fee simple plus
access easements.

Buildings

Bldgs. 1001-1005, 1131-1140
Property Number: 189640023
Fed Reg Date: 12/20/96
Charleston Family Housing
Randolph/Union/Maxwell
Bangor, ME, Co: Penobscot, Zip: 04401-
Status: Unutilized
Comment: 15 duplex homes with 30 4-
bedroom housing units, each unit=2605 sq.
ft. w/one car garage.

Bldgs. 1126-1130

Property Number: 189640024
Fed Reg Date: 12/20/96
Charleston Family Housing
Randolph Drive
Bangor, ME, Co: Penobscot, Zip: 04401-
Status: Unutilized
Comment: 5 duplex homes with 10 4-
bedroom housing units, each unit=1451 sq.
ft. with one car garage.

Bldgs. 1141-1143

Property Number: 189640025
Fed Reg Date: 12/20/96
Charleston Family Housing
Maxwell Lane
Bangor, ME, Co: Penobscot, Zip: 04401-
Status: Unutilized
Comment: 3 4-bedroom housing units, each
unit=2675 sq. ft. w/one car garage.

Bldgs. 1144-1147, 1159-1162

Property Number: 189640026
Fed Reg Date: 12/20/96
Charleston Family Housing
Randolph Drive
Bangor, ME, Co: Penobscot, Zip: 04401-
Status: Unutilized
Comment: 8 4-bedroom housing units, each
unit=1537 sq. ft. w/one car garage.

Michigan

Land

Calumet Air Force Station
Property Number: 189010862
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Section 1, T57N, R31W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 34 acres, potential utilities.
Calumet Air Force Station
Property Number: 189010863
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Section 31, T58N, R30W
Houghton Township
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 3.78 acres, potential utilities.

Buildings

Bldg. 30

Property Number: 189010779
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 2593 sq. ft.; 1 floor; concrete
block; possible asbestos; potential utilities;
most recent use—communications
transmitter building.

Bldg. 46

Property Number: 189010786
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 5898 sq. ft.; 2 story; concrete
block; potential utilities; possible asbestos;
most recent use—visiting personnel
housing.

Bldg. 51

Property Number: 189010791
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 1134 sq. ft.; 1 story; wood frame
residence with garage; possible asbestos.

Bldg. 52

Property Number: 189010792
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 1134 sq. ft.; 1 story; wood frame
residence with garage; possible asbestos.

Bldg. 53

Property Number: 189010793
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame
residence with garage; possible asbestos.

Bldg. 54

Property Number: 189010794
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame
residence with garage; possible asbestos.

Bldg. 55

Property Number: 189010795
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-
Status: Excess
Comment: 1134 sq. ft.; 1 story wood frame
residence with garage; possible asbestos.

Bldg. 56

Property Number: 189010796
Fed Reg Date: 08/23/96
Project Name: Calumet Air Force Station
Calumet Air Force Station
Calumet, MI, Co: Keweenaw, Zip: 49913-

Bldg. 37
 Property Number: 189010873
 Fed Reg Date: 08/23/96
 Project Name: Calumet Air Force Station
 Calumet Air Force Station
 Calumet, MI, Co: Keweenaw, Zip: 49913-
 Status: Excess
 Comment: 25 sq. ft.; 1 floor metal frame; prior
 use—storage of fire hoses.

Bldg. 201
 Property Number: 189010879
 Fed Reg Date: 08/23/96
 Project Name: Calumet Air Force Station
 Calumet Air Force Station
 Calumet, MI, Co: Keweenaw, Zip: 49913-
 Status: Excess
 Comment: 25 sq. ft.; 1 floor metal frame; prior
 use—storage of fire hoses.

Montana

Land
 6.43 acres
 Property Number: 189610003
 Fed Reg Date: 08/23/96
 Forsyth Training Site
 MT, Co: Rosebud, Zip:
 Status: Unutilized
 Comment: 6.43 acres, most recent use—tech.
 oper. site for radar bombing range.

Buildings

Facility #1
 Property Number: 189530047
 Fed Reg Date: 08/23/96
 Havre Training Site
 MT, Co: Hill, Zip: 59501-
 Status: Excess
 Comment: 6843 sq. ft., 1 story brick frame,
 good condition, most recent use—technical
 training site.

Bldg. 110
 Property Number: 189610001
 Fed Reg Date: 08/23/96
 Forsyth Training Site
 MT, Co: Rosebud, Zip:
 Status: Unutilized
 Comment: 6843 sq. ft., needs repair, on top
 of bluff, most recent use—offices.

Bldg. 112
 Property Number: 189610002
 Fed Reg Date: 08/23/96
 Forsyth Training Site
 MT, Co: Rosebud, Zip:
 Status: Unutilized
 Comment: 586 sq. ft., most recent use—cold
 storage.

Nebraska

Buildings

Bldg. 20
 Property Number: 189610004
 Fed Reg Date: 08/23/96
 Offutt Communications Annex 4
 Silver Creek, NE, Co: Nance, Zip: 68663-
 Status: Unutilized
 Comment: 4714 sq. ft., most recent use—
 dormitory.

South Dakota

Buildings

West Communications Annex
 Property Number: 189340051
 Fed Reg Date: 08/23/96
 Ellsworth Air Force Base
 Ellsworth AFB, SD, Co: Meade, Zip: 57706-

Status: Unutilized
 Comment: 2 bldgs. on 2.37 acres, remote area,
 lacks infrastructure, road hazardous during
 winter storms, most recent use—industrial
 storage.

Army

Alaska

Land

Harding Lake Recreation Area
 Property Number: 219540009
 Fed Reg Date: 09/06/96
 Fort Richardson
 Anchorage, AK, Zip:
 Status: Underutilized
 Comment: 25.5 acres, most recent use—
 recreation.

Buildings

Bldg. 400
 Property Number: 219440400
 Fed Reg Date: 09/06/96
 Fort Richardson
 Ft. Richardson, AK, Zip: 99505-
 Status: Unutilized
 Comment: 13056 sq. ft., 2-story wood frame,
 presence of lead paint and asbestos, off-site
 use only.

Bldg. 402

Property Number: 219440401
 Fed Reg Date: 09/06/96
 Fort Richardson
 Ft. Richardson, AK, Zip: 99505-
 Status: Unutilized
 Comment: 13056 sq. ft., 2-story wood,
 presence of lead paint and asbestos, off-site
 use only.

Bldg. 407

Property Number: 219440402
 Fed Reg Date: 09/06/96
 Fort Richardson
 Ft. Richardson, Ak, Zip: 99505-
 Status: Unutilized
 Comment: 13056 sq. ft., 2-story wood frame,
 presence of lead paint and asbestos, off-site
 use only.

Bldg. 1168

Property Number: 219610636
 Fed Reg Date: 09/06/96
 Fort Wainwright
 Ft. Wainwright, AK, Co: Fairbanks, Zip:
 99703-
 Status: Underutilized
 Comment: 6455 sq. ft., concrete, presence of
 asbestos, most recent use—warehouse.

Alabama

Buildings

Bldg. 3702, Fort Rucker
 Property Number: 219340183
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 5310 sq. ft., 2-story wood, needs
 rehab, most recent use—barracks, off-site
 use only.

Bldg. 3703, Fort Rucker

Property Number: 219340184
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 5310 sq. ft., 2-story wood, needs
 rehab, most recent use—barracks, off-site
 use only.

Bldg. 3704, Fort Rucker

Property Number: 219340185
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 5310 sq. ft., 2-story wood, needs
 rehab, most recent use—barracks, off-site
 use only.

Bldg. 3705, Fort Rucker

Property Number: 219340186
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 2975 sq. ft., 1-story wood, needs
 rehab, most recent use—general purpose,
 off-site use only.

Bldg. 3706, Fort Rucker

Property Number: 219340187
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 2975 sq. ft., 1-story wood, needs
 rehab, most recent use—general purpose,
 off-site use only.

Bldg. 3707, Fort Rucker

Property Number: 219340188
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 5310 sq. ft., 2-story wood, needs
 rehab, presence of asbestos, most recent
 use—barracks, off-site use only.

Bldg. 3708, Fort Rucker

Property Number: 219340189
 Fed Reg Date: 09/06/96
 Ft. Rucker, AL, Co: Dale, Zip: 36362-5138
 Status: Unutilized
 Comment: 5310 sq. ft., 2-story wood, needs
 rehab, presence of asbestos, most recent
 use—barracks, off-site use only.

Bldg. T421 Fort McClellan

Property Number: 219440393
 Fed Reg Date: 09/06/96
 Ft. McClellan, AL, Co: Calhoun, Zip: 36205-
 5000
 Status: Unutilized
 Comment: 1602 sq. ft., 1-story, most recent
 use—support activity, needs rehab, off-site
 use only.

7 Bldgs.

Property Number: 219440395
 Fed Reg Date: 09/06/96
 Fort McClellan
 Number 829-831, 833, 835-836, 844
 Ft. McClellan, AL, Co: Calhoun, Zip: 36205-
 5000
 Status: Unutilized
 Comment: 4425 sq. ft. each, 2-story, most
 recent use—barracks, off-site use only.

Bldg. T00893

Property Number: 219440396
 Fed Reg Date: 09/06/96
 Fort McClellan
 Ft. McClellan, AL, Co: Calhoun, Zip: 36205-
 5000
 Status: Unutilized
 Comment: 3269 sq. ft., 1-story, most recent
 use—chapel, off-site use only.

Bldgs. T916-T917, T925

Property Number: 219440398
 Fed Reg Date: 09/06/96
 Fort McClellan
 Ft. McClellan, AL, Co: Calhoun, Zip: 36205-
 5000
 Status: Unutilized

Comment: 3075-4500 sq. ft., 1-story, most recent use—barracks, off-site use only.

Bldg. 60101

Property Number: 219520152

Fed Reg Date: 09/06/96

Shell Army Heliport

Ft. Rucker, AL, Co: Dale, Zip: 36362-5000

Status: Unutilized

Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only.

Bldg. 60100

Property Number: 219520153

Fed Reg Date: 09/06/96

Shell Army Heliport

Ft. Rucker, AL, Co: Dale, Zip: 36362-5000

Status: Unutilized

Comment: 64 sq. ft., metal structure, most recent use—sentry station, off-site use only.

Bldg. 60103

Property Number: 219520154

Fed Reg Date: 09/06/96

Shell Army Heliport

Ft. Rucker, AL, Co: Dale, Zip: 36362-5000

Status: Unutilized

Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only.

Bldg. 60110

Property Number: 219520155

Fed Reg Date: 09/06/96

Shell Army Heliport

Ft. Rucker, AL, Co: Dale, Zip: 36362-5000

Status: Unutilized

Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldg. 60113

Property Number: 219520156

Fed Reg Date: 09/06/96

Shell Army Heliport

Ft. Rucker, AL, Co: Dale, Zip: 36362-5000

Status: Unutilized

Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only.

Bldgs. 832, 834

Property Number: 219540010

Fed Reg Date: 09/06/96

Fort McClellan

Ft. McClellan, AL, Co: Calhoun, Zip: 36205-5000

Status: Underutilized

Comment: 4425 sq. ft., each, most recent use—barracks w/o mess, off-site use only.

Bldgs. 2802, 2805

Property Number: 219620662

Fed Reg Date: 09/06/96

Fort Rucker

Ft. Rucker, AL, Co: Dale, Zip: 36362-

Status: Unutilized

Comment: Number 2802=13,082 sq. ft.,

Number 2805=13,082 sq. ft., most recent use—admin., needs repair, off-site use only.

Arizona

Buildings

Bldg. 81001

Property Number: 219240720

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 81020

Property Number: 219240722

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 67204

Property Number 219240723

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 4332 sq. ft., 2 story wood frame, possible asbestos, must recent use—administrative, scheduled to become vacant in 6 months, off-site use only.

Bldg. 66151

Property Number 219240728

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 4194 sq. ft., 2 story wood frame, possible asbestos, must recent use—barracks, scheduled to become vacant in 6 months, off-site use only.

Bldg. 67108

Property Number 219240733

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2403 sq. ft., 1 story wood frame, possible asbestos, must recent use—classrooms, scheduled to become vacant in 6 months, off-site use only.

Bldg. 71116

Property Number 219240735

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 3470 sq. ft., 1 story wood frame, possible asbestos, must recent use—classrooms, scheduled to become vacant in 6 months, off-site use only.

Bldg. 71215

Property Number 219240736

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 4854 sq. ft., 1 story wood frame, possible asbestos, must recent use—classrooms, scheduled to become vacant in 6 months, off-site use only.

Bldg. 70110

Property Number 219240739

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2675 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70111

Property Number 219240740

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70113

Property Number 219240741

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70114

Property Number 219240742

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70115

Property Number 219240743

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70123

Property Number 219240744

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70124

Property Number: 219240745

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 70126

Property Number: 219240746

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 3343 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

Bldg. 82013

Property Number: 219240752

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635-

Status: Unutilized

Comment: 2193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only.

- Bldg. 90327
Property Number: 219240753
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame,
possible asbestos, scheduled to become
vacant in 6 months, most recent use—
offices, off-site use only.
- Bldg. 82007
Property Number: 219240755
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame,
possible asbestos, scheduled to become
vacant in 6 months, most recent use—
storehouse, off-site use only.
- Bldg. 82009
Property Number: 219240756
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2444 sq. ft., 2 story wood frame,
possible asbestos, scheduled to become
vacant in 6 months, most recent use—
storehouse, off-site use only.
- Bldg. 70217, Fort Huachuca
Property Number: 219310293
Fed Reg Date: 09/06/96
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Excess
Comment: 304 sq. ft., 1-story concrete block,
presence of asbestos, most recent use—
storage, off-site use only.
- Bldg. 80010, Fort Huachuca
Property Number: 219310294
Fed Reg Date: 09/06/96
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Excess
Comment: 2318 sq. ft., 1-story wood,
presence of asbestos, most recent use—
admin.
- Bldg. 84103, Fort Huachuca
Property Number: 219310296
Fed Reg Date: 09/06/96
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Excess
Comment: 984 sq. ft., 1-story, presence of
asbestos and lead paint, most recent use—
admin.
- Bldg. 67101, Fort Huachuca
Property Number: 219310297
Fed Reg Date: 09/06/96
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Excess
Comment: 2216 sq. ft., 1-story wood,
presence of asbestos and lead paint, most
recent use—classroom.
- Bldg. 30012, Fort Huachuca
Property Number: 219310298
Fed Reg Date: 09/06/96
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Excess
Comment: 237 sq. ft., 1-story block, most
recent use—storage.
- Bldg. 67221
Property Number: 219330235
Fed Reg Date: 09/06/96
U.S. Army Intelligence Center, Fort
Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1068 sq. ft., 1-story wood,
presence of asbestos, most recent use—
office, off-site use only.
- Bldg. 83102
Property Number: 219330236
Fed Reg Date: 09/06/96
U.S. Army Intelligence Center, Fort
Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence
of asbestos, most recent use—office, off-site
use only.
- Bldg. 84010
Property Number: 219330237
Fed Reg Date: 09/06/96
U.S. Army Intelligence Center, Fort
Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood,
presence of asbestos, most recent use—
office, off-site use only.
- Bldg. 67116
Property Number: 219410243
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1784 sq. ft.; 1 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 67205
Property Number: 219410244
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 67207
Property Number: 219410245
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2166 sq. ft.; 2 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 67213
Property Number: 219410246
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2594 sq. ft.; 1 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 73913
Property Number: 219410247
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 910 sq. ft.; 1 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 80001
Property Number: 219410248
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1958 sq. ft.; 2 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 83027
Property Number: 219410249
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1993 sq. ft.; 2 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 84007
Property Number: 219410250
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2000 sq. ft.; 2 story; wood; most
recent use—admin.; off-site use only.
- Bldg. 68320
Property Number: 219410251
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1531 sq. ft.; 1 story; wood; most
recent use—recreation center; off-site use
only.
- Bldg. 30126
Property Number: 219410252
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 9324 sq. ft.; 1 story; wood; most
recent use—maintenance; off-site use only.
- Bldg. 84014
Property Number: 219410253
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 2260 sq. ft.; 1 story; wood; most
recent use—maintenance; off-site use only.
- Bldg. S-106
Property Number: 219420345
Fed Reg Date: 09/06/96
Yuma Proving Ground
Yuma, AZ, Co: Yuma/LaPaz, Zip: 85365-
9104
Status: Unutilized
Comment: 1101 sq. ft.; 1 story; cold-storage
bldg., needs repair.
- Bldgs. 67210, 67217
Property Number: 219420347
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1165 sq. ft.; 1 story; wood;
presence of asbestos, most recent use—
office, off-site use only.
- Bldg. 80005
Property Number: 219430245
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized
Comment: 1718 sq. ft.; 1 story; wood frame,
most recent use—instructional bldg., needs
repair, off-site use only.
- Bldg. 80006
Property Number: 219430246
Fed Reg Date: 09/06/96
Fort Huachuca
Sierra Vista, AZ, Co: Cochise, Zip: 85635-
Status: Unutilized

Comment: 1628 sq. ft.; 1 story; wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 83023

Property Number: 219430247

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 1648 sq. ft.; 1 story; wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 81027

Property Number: 219430248

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 2193 sq. ft.; 2 story; wood frame, most recent use—admin., needs repairs, off-site use only.

Bldg. 81028

Property Number: 219430249

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 2193 sq. ft.; 2 story; wood frame, most recent use—admin., needs repair, off-site use only.

Bldg. 80111

Property Number: 219430250

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 2032 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only.

Bldg. 503 Yuma Proving Ground

Property Number: 219520073

Fed Reg Date: 09/06/96

Yuma, AZ Co: Yuma, Zip: 85365–9104

Status: Underutilized

Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos.

9 Classroom Facilities

Property Number: 219520158

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: Bldgs. 67111, 67118, 67124, 67209, 81005, 81006, 81008, 83024, 84003

Status: Excess

Comment: 1044–2602 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only.

Bldg. 67214

Property Number: 219520159

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Excess

Comment: 955 sq. ft., 1-story, most recent use—rec. bldg., presence of asbestos & lead base paint, off-site use only.

2 Storage Facilities

Property Number: 219520160

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: Bldgs. 72320, 80017

Status: Excess

Comment: 2340 sq. ft., 1–2 story, presence of asbestos & lead base paint, off-site use only.

10 Admin. Facilities

Property Number: 219520161

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: Bldgs. 80025, 80027, 80028, 80102, 81002, 81009, 81102, 83025, 83026, 84008

Status: Excess

Comment: 996–2193 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only.

12 Admin. Facilities

Property Number: 219520162

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: Bldgs. 67110, 67114, 67115, 67121, 67122, 67226, 67228, 70122, 80008, 80009, 80013, 80024

Status: Excess

Comment: 1041–3298 sq. ft., 1–2 story, presence of asbestos & lead base paint, off-site use only.

10 Barracks

Property Number: 219520163

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: Bldgs. 67102–67106, 67125–67129

Status: Excess

Comment: 1352–2291 sq. ft., 2-story, presence of asbestos & lead base paint, off-site use only.

Bldg. 73902

Property Number: 219610638

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 5355 sq. ft., presence of asbestos, most recent use—maintenance, off-site use only.

9 Bldgs.

Property Number: 219610639

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: 82002, 82027, 82028, 83021, 83022, 85008, 85009, 85027, 85028

Status: Unutilized

Comment: various sq. ft., presence of asbestos, most recent use—barracks, off-site use only.

Bldg. 85005

Property Number: 219610640

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 3515 sq. ft., presence of asbestos, most recent use—dining off-site use only.

21 Bldgs.

Property Number: 219610641

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: 66057, 66152, 66155, 66157–66159, 67201, 80020, 82105, 82106, 83013, 83017, 83020, 84002, 84017, 85015, 85017, 85102, 85105

Status: Unutilized

Comment: various sq. ft., presence of asbestos, most recent use—admin., off-site use only.

Bldg. 66055

Property Number: 219610642

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 1946 sq. ft., presence of asbestos, most recent use—recreation, off-site use only.

7 Bldgs.

Property Number: 219610644

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Location: 71210, 71211, 80002, 80014, 82005, 82006, 85103

Status: Unutilized

Comment: various sq. ft., presence of asbestos, most recent use—classrooms, off-site use only.

Bldgs. 13548, 72918

Property Number: 219620663

Fed Reg Date: 09/06/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: #13548=2048 sq. ft., most recent use—maint. shop, #72918=2822 sq. ft., most recent use—storage, possible asbestos/lead base paint, off-site use only.

Bldg. 71117

Property Number: 219630124

Fed Reg Date: 11/08/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 5888 sq. ft., possible asbestos, most recent use—classroom off-site use only.

Bldg. 66156

Property Number: 219640196

Fed Reg Date: 12/20/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 2014 sq. ft., presence of asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. 71922

Property Number: 219640197

Fed Reg Date: 12/20/96

Fort Huachuca

Sierra Vista, AZ, Co: Cochise, Zip: 85635–

Status: Unutilized

Comment: 1013 sq. ft., presence of asbestos/lead based paint, most recent use—admin., off-site use only.

California

Land

U.S. Army Reserve Center

Property Number: 219610645

Fed Reg Date: 09/06/96

Mountain Lakes Industrial Park

Redding, CA, Co: Shasta, Zip:

Status: Unutilized

Comment: 5.13 acres within a light industrial park.

Buildings

Bldg. T–26

Property Number: 219620684

Fed Reg Date: 09/06/96
Sierra Army Depot
Herlong, CA, Co: Lassen, Zip: 96113—
Status: Underutilized
Comment: 15, 551 sq. ft., most recent use—
guest house, needs repair, off-site use only.

Colorado

Buildings

Bldg. T-106

Property Number: 219630125
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 25749 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—storage, off-site use only.

Bldg. T-222

Property Number: 219630126
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 2750 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—storage, off-site use only.

Bldg. P-1008

Property Number: 219630127
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 3362 sq. ft., fair condition,
possible asbestos/lead based paint, most
recent use—service outlet, off-site use only.

Bldg. 1302

Property Number: 219630128
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 18259 sq. ft., possible asbestos/
lead based paint, most recent use—
maintenance shop, off-site use only.

Bldg. T-1401

Property Number: 219630129
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 327 sq. ft., poor condition, most
recent use—storehouse, off-site use only.

Bldg. T-1441

Property Number: 219630130
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 1500 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—admin., off-site use only.

Bldg. T-1827

Property Number: 219630132
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 2488 sq. ft., poor condition,
possible asbestos, most recent use—service
outlet, off-site use only.

Bldg. T-2438

Property Number: 219630133
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 4020 sq. ft., fair condition, most
recent use—instruction bldg., off-site use
only.

Bldg. 2739

Property Number: 219630134
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 3880 sq. ft., possible asbestos,
most recent use—maintenance shop, off-
site use only.

Bldg. T-2946

Property Number: 219630135
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 5830 sq. ft., poor condition,
possible asbestos, most recent use—
maintenance shop, off-site use only.

Bldg. T-6043

Property Number: 219630136
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 10225 sq. ft., poor condition,
possible asbestos, most recent use—
storage, off-site use only.

Bldg. T-6052

Property Number: 219630137
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 4458 sq. ft., poor condition,
possible asbestos, most recent use—
maintenance shop, off-site use only.

Bldg. T-6084

Property Number: 219630138
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 10183 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—training, off-site use only.

Bldg. T-6089

Property Number: 219630139
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 3150 sq. ft., poor condition,
possible asbestos, most recent use—service
outlet, off-site use only.

Bldg. T-6221

Property Number: 219630140
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 5798 sq. ft., fair condition,
possible asbestos/lead based paint, most
recent use—warehouse, off-site use only.

Bldg. S-6226

Property Number: 219630141
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023

Status: Unutilized

Comment: 13154 sq. ft., fair condition,
possible asbestos/lead based paint, most
recent use—admin., off-site use only.

Bldg. S-6229

Property Number: 219630142
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 480 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—generator plant, off-site use
only.

Bldg. S-6230

Property Number: 219630143
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 13154 sq. ft., fair condition,
possible asbestos/lead based paint, most
recent use—admin., off-site use only.

Bldg. S-6235

Property Number: 219630144
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 10038 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—admin., off-site use only.

Bldg. S-6240

Property Number: 219630145
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 9985 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—admin., off-site use only.

Bldg. S-6241

Property Number: 219630146
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 10038 sq. ft., poor condition,
possible asbestos/lead based paint, off-site
use only.

Bldg. S-6243

Property Number: 219630147
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 12745 sq. ft., poor condition,
possible asbestos/lead based paint, most
recent use—storage, off-site use only.

Bldgs. 6244, 6247

Property Number: 219630148
Fed Reg Date: 11/08/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: fair condition, possible asbestos/
lead based paint, most recent use—admin.,
off-site use only.

Bldgs. S-6245, S-6246

Property Number: 219630149
Fed Reg Date: 11/09/96

Fort Carson

Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: fair condition, possible asbestos/lead based paint, most recent use—barracks, off-site use only.

Bldgs. S-6248, S-6249
Property Number: 219630150
Fed Reg Date: 11/08/96

Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only.

Bldg. S-6251
Property Number: 219630151
Fed Reg Date: 11/08/96

Fort Carson
Ft. CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 11906 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—recreation, off-site use only.

Bldg. S-6260
Property Number: 219630152
Fed Reg Date: 11/08/96

Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 2953 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—comm. bldg., off-site use only.

Bldg. S-6261
Property Number: 219630153
Fed Reg Date: 11/08/96

Fort Carson
Ft. Carson, CO, Co: El Paso, Zip: 80913-5023
Status: Unutilized

Comment: 7778 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—storage, off-site use only.

Georgia

Land

Land (Railbed)
Property Number: 219440440
Fed Reg Date: 09/06/96

Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 17.3 acres extending 1.24 miles, no known utilities potential.

Buildings

Bldg. 5390
Property Number: 219010137
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 2432 sq. ft., most recent use—dining room; needs rehab.

Bldg. 5362
Property Number: 219010147
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Property Number: 219010151
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Property Number: 219010152
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 4487
Property Number: 219011681
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Property Number: 219011683
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Property Number: 219011694
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 2570 sq. ft., most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Property Number: 219011704
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Property Number: 219011709
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 336 sq. ft., most recent use—flammable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Property Number: 219011710
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 1235
Property Number: 219014887
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Property Number: 219014888
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 9376 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Property Number: 219014889
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 4491
Property Number: 219014916
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance ship.

Bldg. 4633
Property Number: 219014919
Fed Reg Date: 09/06/96

Project Name: Fort Benning
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 2150
Property Number: 219120258
Fed Reg Date: 09/06/96

Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 3909 sq. ft., 1 story, needs rehab, most recent use—general inst. bldg.

Bldg. 2409
Property Number: 219120263
Fed Reg Date: 09/06/96

Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 9348 sq. ft., 1 story, needs rehab, most recent use—general purpose warehouse.

Bldg. 2590
Property Number: 219120265
Fed Reg Date: 09/06/96

Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 3132 sq. ft., 1 story, needs rehab, most recent use—vehicle maintenance shop.

Bldg. 3828
Property Number: 219120266
Fed Reg Date: 09/06/96

Fort Benning
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized

Comment: 628 sq. ft., 1 story, needs rehab, most recent use—general storehouse.

Bldg. 3086, Fort Benning

- Property Number: 219220688
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent
use—barracks, needs major rehab, off-site
removal only.
- Bldg. 3089, Fort Benning
Property Number: 219220689
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent
use—barracks, needs major rehab, off-site
removal only.
- Bldg. 1252, Fort Benning
Property Number: 219220694
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 583 sq. ft., 1 story, most recent
use—storehouse, needs major rehab, off-
site removal only.
- Bldg. 1733, Fort Benning
Property Number: 219220698
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 9375 sq. ft., 1 story, most recent
use—storehouse, needs major rehab, off-
site removal only.
- Bldg. 3083, Fort Benning
Property Number: 219220699
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 1372 sq. ft., 1 story, most recent
use—storehouse, needs major rehab, off-
site removal only.
- Bldg. 3856, Fort Benning
Property Number: 219220703
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 4111 sq. ft., 1 story, most recent
use—storehouse, needs major rehab, off-
site removal only.
- Bldg. 4881, Fort Benning
Property Number: 219220707
Fed Reg Date: 09/06/96
Fort Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2449 sq. ft., 1 story, most recent
use—storehouse, need repairs, off-site
removal only.
- Bldg. 4963, Fort Benning
Property Number: 219220710
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent
use—storehouse, need repairs, off-site
removal only.
- Bldg. 2396, Fort Benning
Property Number: 219220712
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent
use—dining facility, needs major rehab,
off-site removal only.
- Bldg. 3085, Fort Benning
Property Number: 219220715
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2253 sq. ft., 1 story, most recent
use—dining facility, needs major rehab,
off-site removal only.
- Bldg. 4882, Fort Benning
Property Number: 219220727
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent
use—storage, need repairs, off-site removal
only.
- Bldg. 4967, Fort Benning
Property Number: 219220728
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent
use—storage, need repairs, off-site removal
only.
- Bldg. 5396, Fort Benning
Property Number: 219220734
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent
use—general instruction bldg., needs major
rehab, off-site removal only.
- Bldg. 247, Fort Benning
Property Number: 219220735
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent
use—offices, needs major rehab, off-site
removal only.
- Bldg. 4977, Fort Benning
Property Number: 219220736
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent
use—offices, need repairs, off-site removal
only.
- Bldg. 4944, Fort Benning
Property Number: 219220747
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent
use—vehicle maintenance shop, need
repairs, off-site removal only.
- Bldg. 4960, Fort Benning
Property Number: 219220752
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent
use—vehicle maintenance shop, off-site
removal only.
- Bldg. 4969, Fort Benning
Property Number: 219220753
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent
use—vehicle maintenance shop, off-site
removal only.
- Bldg. 1758, Fort Benning
Property Number: 219220755
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent
use—warehouse, needs major rehab, off-
site removal only.
- Bldg. 3817, Fort Benning
Property Number: 219220758
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent
use—warehouse, needs major rehab,, off-
site removal only.
- Bldg. 4884, Fort Benning
Property Number: 219220762
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent
use—headquarters bldg., need repairs, off-
site removal only.
- Bldg. 4964, Fort Benning
Property Number: 219220763
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent
use—headquarters bldg., need repairs, off-
site removal only.
- Bldg. 4966, Fort Benning
Property Number: 219220764
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent
use—headquarters bldg., need repairs, off-
site removal only.
- Bldg. 4679, Fort Benning
Property Number: 219220767
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent
use—supply bldg., needs major rehab, off-
site removal only.
- Bldg. 4883, Fort Benning
Property Number: 219220768
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent
use—supply bldg., need repairs, off-site
removal only.
- Bldg. 4965, Fort Benning
Property Number: 219220769
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent
use—supply bldg., need repairs, off-site
removal only.
- Bldg. 2513, Fort Benning
Property Number: 219220770
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent
use—training center, needs major rehab,
off-site removal only.
- Bldg. 2526, For Benning
Property Number: 219220771
Fed Reg Date: 09/06/96
Ft. Benning, GA, Co: Muscogee, Zip: 31905-
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent
use—training center, needs major rehab,
off-site removal only.

Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4131, Fort Benning
Property Number: 219310441
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4108, Fort Benning
Property Number: 219310442
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1171 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 1835, Fort Benning
Property Number: 219310443
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 4107, Fort Benning
Property Number: 219310446
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only.

Bldg. 3072, Fort Benning
Property Number: 219310447
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only.

Bldg. 4103, Fort Benning
Property Number: 219310449
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only.

Bldg. 4019, Fort Benning
Property Number: 219310451
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only.

Bldg. 4109, Fort Benning
Property Number: 219310455
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 2253 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4135, Fort Benning
Property Number: 219310458
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4123, Fort Benning
Property Number: 219310459
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4111, Fort Benning
Property Number: 219310460
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only.

Bldg. 4023, Fort Benning
Property Number: 219310461
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4024, Fort Benning
Property Number: 219310462
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 3281 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only.

Bldg. 4067, Fort Benning
Property Number: 219310465
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin., off-site use only.

Bldg. 4110, Fort Benning
Property Number: 219310467
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4122, Fort Benning
Property Number: 219310468
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4134, Fort Benning
Property Number: 219310469
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only.

Bldg. 4113, Fort Benning
Property Number: 219310473
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 10847, Fort Benning
Property Number: 219310476
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Status: Unutilized

Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 10768, Fort Benning
Property Number: 219310477
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 2683, Fort Benning
Property Number: 219310478
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only.

Bldg. 4121, Fort Benning
Property Number: 219310487
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4133, Fort Benning
Property Number: 219310488
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4143, Fort Benning
Property Number: 219310489
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized

Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 4105, Fort Benning
Property Number: 219310490
Fed Reg Date: 09/06/96

Ft. Benning, GA, Co: Muscogee, Zip: 30905—
Status: Unutilized

Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only.

Bldg. 26306, Fort Gordon
Property Number: 219320225
Fed Reg Date: 09/06/96

Ft. Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized

Comment: 1272 sq. ft., 1-story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage.

Bldg. 354, Fort Gordon
Property Number: 219330259
Fed Reg Date: 09/06/96

Ft. Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized

Comment: 4237 sq. ft., 1-story wood, possible

termites damage, needs repair, presence of asbestos, most recent use—offices, off-site use only.

Bldg. 355, Fort Gordon
Property Number: 219330260
Fed Reg Date: 09/06/96

Ft. Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized

- Comment: 4237 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only.
- Bldg. 356, Fort Gordon
Property Number: 219330261
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only.
- Bldg. 377, Fort Gordon
Property Number: 219330263
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 4768 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only.
- Bldg. 19601, Fort Gordon
Property Number: 219330268
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only.
- Bldg. 19602, Fort Gordon
Property Number: 219330269
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only.
- Bldg. 35503, Fort Gordon
Property Number: 219330277
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 2500 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only.
- Bldg. 332, Fort Gordon
Property Number: 219330289
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.
- Bldg. 333, Fort Gordon
Property Number: 219330290
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.
- Bldg. 334, Fort Gordon
Property Number: 219330291
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 4279 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—medical admin., off-site use only.
- Bldg. 335, Fort Gordon
Property Number: 219330292
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 4300 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only.
- Bldg. 353, Fort Gordon
Property Number: 219330293
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 5157 sq. ft., 1-story wood, presence of asbestos, most recent use—laboratory, off-site use only.
- Bldg. 352, Fort Gordon
Property Number: 219330294
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only.
- Bldg. 10501 Fort Gordon
Property Number: 219410264
Fed Reg Date: 09/06/96
Ft. Gordon, GA. Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 2516 sq. ft., 1 story; wood; needs rehab.; most recent use—office; off-site use only.
- Bldg. 10601
Property Number: 219410265
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 1334 sq. ft.; 1 story; wood; most recent use—office; off-site use only.
- Bldg. 20303
Property Number: 219410266
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 2376 sq. ft.; 1 story; wood; needs rehab.; most recent use—office; off-site use only.
- Bldg. 11813
Property Number: 219410269
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only.
- Bldg. 21314
Property Number: 219410270
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 85 sq. ft.; 1 story; needs rehab.; most recent use—storage; off-site use only.
- Bldg. 951
Property Number: 219410271
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 17,825 sq. ft.; 1 story; wood; needs rehab.; most recent use—workshop; off-site use only.
- Bldg. 12809
Property Number: 219410272
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance ship; off-site use only.
- Bldg. 10306
Property Number: 219410273
Fed Reg Date: 09/06/96
Fort Gordon
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only.
- Bldg. T-305, Fort Stewart
Property Number: 219510103
Fed Reg Date: 09/06/96
Hainesville, GA, Co: Liberty, Zip: 31314—
Status: Excess
Comment: 2340 sq. ft.; 1-story, most recent use—hosp. clinic, needs rehab, off-site use only.
- Bldg. T-1414
Property Number: 219510106
Fed Reg Date: 09/06/96
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409—
Status: Excess
Comment: 2000 sq. ft.; 1-story, most recent use—office, needs rehab, off-site use only.
- Bldg. 2813, Fort Benning
Property Number: 219520074
Fed Reg Date: 09/06/96
Ft Benning, GA, Co: Muscogee, Zip: 31905—
Status: Unutilized
Comment: 40536 sq. ft.; 4-story, most recent use—admin., needs major repair, off-site use only.
- Bldg. 401
Property Number: 219520076
Fed Reg Date: 09/06/96
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409—
Status: Unutilized
Comment: 5167 sq. ft.; 1-story, needs major repair, most recent use—office, off-site use only.
- Bldg. T-901
Property Number: 219520077
Fed Reg Date: 09/06/96
Hunter Army Airfield
Savannah, GA, Co: Chatham, Zip: 31409—
Status: Unutilized
Comment: 1828 sq. ft.; 1-story, needs major repair, most recent use—admin., off-site use only.
- Bldg. T-902
Property Number: 219520078
Fed Reg Date: 09/06/96
Hunter Army Airfield
Savannah, GA, Co: Chatman, Zip: 31409—
Status: Unutilized
Comment: 1828 sq. ft.; 1-story, needs major repair, most recent use—admin., off-site use only.
- Bldg. 51202, Fort Gordon
Property Number: 219520080
Fed Reg Date: 09/06/96
Fort Gordon, GA, Co: Richmond, Zip: 30905—
Status: Unutilized
Comment: 1555 sq. ft.; 1-story, needs repair, presence of lead paint, most recent use—office, off-site use only.

Bldgs. 61401 and 91501
 Property Number: 219520132
 Fed Reg Date: 09/06/96
 Fort Gordon
 Fort Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 7036 sq. ft. each, 2-story, needs
 rehab, presence of asbestos & lead base
 paint, most recent use—barracks, off-site
 use only.

Bldg. 2814, Fort Benning
 Property Number: 219520133
 Fed Reg Date: 09/06/96
 Ft. Benning, GA, Co: Muscogee, Zip: 31905—
 Status: Unutilized
 Comment: 40536 sq. ft., 4-story, most recent
 use—barracks w/dining, needs major
 repair, off-site use only.

Bldg. 90, Fort Benning
 Property Number: 219520165
 Fed Reg Date: 09/06/96
 Ft. Benning, GA, Co: Muscogee, Zip: 31905—
 Status: Unutilized
 Comment: 25065 sq. ft., 1-story, needs rehab,
 most recent use—theater, off-site use only.

Bldg. 1755, Fort Benning
 Property Number: 219520170
 Fed Reg Date: 09/06/96
 Ft. Benning, GA, Co: Muscogee, Zip: 31905—
 Status: Unutilized
 Comment: 3142 sq. ft., needs rehab, most
 recent use—maint. shop, off-site use only.

Bldg. 4051, Fort Benning
 Property Number: 219520175
 Fed Reg Date: 09/06/96
 Ft. Benning, GA, Co: Muscogee, Zip: 31905—
 Status: Unutilized
 Comment: 967 sq. ft., 1-story, needs rehab,
 most recent use—storage, off-site use only.

Bldg. A1618, Fort Gordon
 Property Number: 219520184
 Fed Reg Date: 09/06/96
 Ft. Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 2800 sq. ft., 1-story, needs rehab,
 most recent use—storage, presence of
 asbestos & lead base paint, off-site use
 only.

Bldg. 61404, Fort Gordon
 Property Number: 219520185
 Fed Reg Date: 09/06/96
 Ft. Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 3428 sq. ft., 1-story, most recent
 use—maint. shop, needs rehab, presence of
 asbestos & lead base paint, off-site use
 only.

Bldg. B1201
 Property Number: 219610649
 Fed Reg Date: 09/06/96
 Fort Gordon
 Ft. Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 980 sq. ft., needs repair, most
 recent use—office, off-site use only.

Bldg. 2141
 Property Number: 219610655
 Fed Reg Date: 09/06/96
 Fort Gordon
 Ft. Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 2283 sq. ft., needs repair, most
 recent use—office, off-site use only.

Bldg. 34300

Property Number: 219620664
 Fed Reg Date: 09/06/96
 Fort Gordon
 Ft. Gordon, GA, Co: Richmond, Zip: 30905—
 Status: Unutilized
 Comment: 2525 sq. ft., most recent use—auto
 svc store, possible asbestos, off-site use
 only.

Bldg. T-425
 Property Number: 219630155
 Fed Reg Date: 11/08/96
 Hunter Army Airfield
 Savannah, GA, Co: Chatham, Zip: 31409—
 Status: Unutilized
 Comment: 1367 sq. ft., needs major rehab,
 most recent use—storage, off-site use only.

Bldg. S-5608
 Property Number: 219630159
 Fed Reg Date: 11/08/96
 Fort Stewart
 Hinesville, GA, Co: Liberty, Zip 31314—
 Status: Unutilized
 Comment: 2688 sq. ft., fair condition, most
 recent use—admin., off-site use only.

Bldg. S-7332
 Property Number: 219630160
 Fed Reg Date: 11/08/96
 Fort Stewart
 Hinesville, GA, Co: Liberty, Zip 31314—
 Status: Unutilized
 Comment: 1140 sq. ft., fair condition, most
 recent use—admin., off-site use only.

Bldg. T-202
 Property Number: 219630161
 Fed Reg Date: 11/08/96
 Fort Stewart
 Hinesville, GA, Co: Liberty, Zip 31314—
 Status: Unutilized
 Comment: 2444 sq. ft., needs rehab, most
 recent use—admin., off-site use only.

Hawaii

Buildings
 P-88
 Property Number: 219030324
 Fed Reg Date: 09/06/96
 Project Name: Aliamanu Military Reservation
 Aliamanu Military Reservation
 Honolulu, HI, Co: Honolulu, Zip 96818—
 Location: Approximately 600 feet from Main
 Gate on Aliamanu Drive.
 Status: Unutilized
 Comment: 45,216 sq. ft. underground tunnel
 complex, pres. of asbestos clean-up
 required of contamination, use of respirator
 required by those entering property, use
 limitations.

Bldg. S-823
 Property Number: 219520082
 Fed Reg Date: 09/06/96
 Wheeler Army Airfield
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 3150 sq. ft., 2-story wood frame,
 most recent use—office, off-site use only.

Bldg. P-125
 Property Number: 219540013
 Fed Reg Date: 09/06/96
 Tripler Army Medical Center
 Honolulu, HI, Co: Honolulu, Zip: 96859—
 5000
 Status: Excess
 Comment: 7987 sq. ft., needs major repairs,
 most recent use—boiler plant, off-site use
 only.

Bldg. T-1191
 Property Number: 219610663
 Fed Reg Date: 09/06/96
 Schofield Barracks
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 7186 gross sq. ft.; termite damage,
 most recent use—range support, off-site
 use only.

Bldg. P-A3025
 Property Number: 219610665
 Fed Reg Date: 09/06/96
 Schofield Barracks
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 1093 gross sq. ft.; termite damage,
 most recent use—storage, off-site use only.

Bldg. S-571
 Property Number: 219620654
 Fed Reg Date: 09/06/96
 Wheeler Army Airfield
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 10,053 sq. ft., most recent use—
 classroom, off-site use only.

Bldg. S-570
 Property Number: 219620656
 Fed Reg Date: 09/06/96
 Wheeler Army Airfield
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 60 sq. ft., most recent use—ticket
 booth, off-site use only.

Bldg. T-723
 Property Number: 219620657
 Fed Reg Date: 09/06/96
 Fort Shafter
 Honolulu, HI, Zip: 96819—
 Status: Unutilized
 Comment: 1751 sq. ft., most recent use—
 storage house, off-site use only.

Bldg. T-1629
 Property Number: 219620658
 Fed Reg Date: 09/06/96
 Schofield Barracks
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 3287 sq. ft., most recent use—
 storage, possible termite infestation, off-site
 use only.

Bldg. T-489
 Property Number: 219620659
 Fed Reg Date: 09/06/96
 Schofield Barracks
 Wahiawa, HI, Zip: 96786—
 Status: Unutilized
 Comment: 6120 sq. ft., most recent use—
 storage, needs repair, off-site use only.

Bldg. T-310
 Property Number: 219620660
 Fed Reg Date: 09/06/96
 Fort Shafter
 Honolulu, HI, Zip: 96819—
 Status: Unutilized
 Comment: 400 sq. ft., most recent use—
 storage, off-site use only.

Bldg. P-6082
 Property Number: 219630162
 Fed Reg Date: 11/08/96
 Fort Shafter
 Honolulu, HI, Zip: 96819—
 Status: Unutilized
 Comment: 42 sq. ft., most recent use—
 storage, off-site use only.

Bldg. P-2604
Property Number: 219630163
Fed Reg Date: 11/08/96
Schofield Barracks Military Reservation
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 112 sq. ft., most recent use—
storage, off-site use only.

Bldg. T-587
Property Number: 219640198
Fed Reg Date: 12/20/96
Schofield Barracks
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 3448 sq. ft., most recent use—
office, off-site use only.

Bldg. T-591
Property Number: 219640199
Fed Reg Date: 12/20/96
Schofield Barracks
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 800 sq. ft., most recent use—
storage, off-site use only.

Bldg. P-592
Property Number: 219640200
Fed Reg Date: 12/20/96
Schofield Barracks
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 800 sq. ft., most recent use—
storage, off-site use only.

Bldg. T-674A
Property Number: 219640201
Fed Reg Date: 12/20/96
Schofield Barracks
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 4365 sq. ft., most recent use—
office/classroom, off-site use only.

Bldg. T-675A
Property Number: 219640202
Fed Reg Date: 12/20/96
Schofield Barracks
Wahiawa, HI, Zip: 96786-
Status: Unutilized
Comment: 4365 sq. ft., most recent use—
office, off-site use only.

Bldg. T-337
Property Number: 219640203
Fed Reg Date: 12/20/96
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819-
Status: Unutilized
Comment: 132 sq. ft., most recent use—
storage, off-site use only.

Bldg. T-527
Property Number: 219640204
Fed Reg Date: 12/20/96
Fort Shafter
Honolulu, HI, Co: Honolulu, Zip: 96819-
Status: Unutilized
Comment: 4131 sq. ft., most recent use—
training center, off-site use only.

Illinois

Buildings
WARD Army Reserve Center
Property Number: 219430254
Fed Reg Date: 09/06/96
1429 Northmoor Road
Peoria, IL, Co: Peoria, Zip: 61614-3498
Status: Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq.
ft., reserve center & warehouse, presence of

asbestos, most recent use—office/storage/
training.
Stenafich Army Reserve Center
Property Number: 219430255
Fed Reg Date: 09/06/96
1600 E. Willow Road
Kankakee, IL, Co: Kankakee, Zip: 60901-2631
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle
maint. shop on 3.68 acres, 5641 sq. ft.,
most recent use—office/storage/training,
presence of asbestos.

Bldg. 54
Property Number: 219620666
Fed Reg Date: 09/06/96
Rock Island Arsenal
Rock Island, IL, Co: Rock Island, Zip: 61299-
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil
storage, needs repair, off-site use only.

Indiana

Buildings
Bldg. 41, USARC Brann
Property Number: 219610667
Fed Reg Date: 09/06/96
Rushville, IN, Co: Rush, Zip: 46173-
Status: Unutilized
Comment: 10820 sq. ft., presence of asbestos,
most recent use—office/storage/training.

Bldg. 42, USARC Brann
Property Number: 219610668
Fed Reg Date: 09/06/96
Rushville, IN, Co: Rush, Zip: 46173-
Status: Unutilized
Comment: 2464 sq. ft., presence of asbestos,
most recent use—vehicle maintenance
shop.

Bldg. 27 USARC Paulsen
Property Number: 219610669
Fed Reg Date: 09/06/96
North Judson, IN, Co: Starke, Zip: 46366-
Status: Unutilized
Comment: 10379 sq. ft., presence of asbestos,
most recent use—office/storage/training.

Bldg. 36, USARC Paulsen
Property Number: 219610670
Fed Reg Date: 09/06/96
North Judson, IN, Co: Starke, Zip: 46366-
Status: Unutilized
Comment: 1802 sq. ft., presence of asbestos,
most recent use—vehicle maintenance.

Kansas

Buildings
Bldg. T-2549, Fort Riley
Property Number: 219310251
Fed Reg Date: 09/06/96
Ft. Riley, KS, Co: Geary, Zip: 66442-
Status: Unutilized
Comment: 3082 sq. ft., 1-story wood frame,
needs rehab, presence of asbestos, most
recent use—storage.

Bldg. 166, Fort Riley
Property Number: 219410325
Fed Reg Date: 09/06/96
Ft. Riley, KS, Co: Geary, Zip: 66442-
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick
residence, needs rehab, presence of
asbestos, located within National
Registered Historic District.

Bldg. 184, Fort Riley
Property Number: 219430146

Fed Reg Date: 09/06/96
Ft. Riley, KS, Zip: 66442-
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab,
presence of asbestos, most recent use—
boiler plant, historic district.

Bldg. P-313, Fort Riley
Property Number: 219620668
Fed Reg Date: 09/06/96
Ft. Riley, KS, Zip: 66442-
Status: Unutilized
Comment: 6222 sq. ft., most recent use—
admin. bldg., needs repair, possible
asbestos.

Kentucky

Buildings
Bldg. 2634
Property Number: 219610681
Fed Reg Date: 09/06/96
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223-
Status: Unutilized
Comment: 5310 sq. ft., possible asbestos,
most recent use—admin., off-site use only.

Bldg. 2713
Property Number: 219610684
Fed Reg Date: 09/06/96
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223-
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, presence
of asbestos, most recent use—barracks, off-
site use only.

Bldg. 2642
Property Number: 219610701
Fed Reg Date: 09/06/96
Fort Campbell
Ft. Campbell, KY, Co: Christian, Zip: 42223-
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, presence
of asbestos, most recent use—admin., off-
site use only.

Bldg. 2632
Property Number: 219620669
Fed Reg Date: 09/06/96
Ft. Campbell, KY, Co: Christian, Zip: 42223-
Status: Unutilized
Comment: 5310 sq. ft., most recent use—
admin., possible asbestos, off-site use only.

Louisiana

Buildings
Bldg. 7316, Fort Polk
Property Number: 219620676
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ
Transient.

Bldg. 7315, Fort Polk
Property Number: 219620677
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ
Transient.

Bldg. 7314, Fort Polk
Property Number: 219620678
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ
Transient.

Bldg. 7313, Fort Polk
Property Number: 219620679
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ
Transient.

Bldg. 7312, Fort Polk
Property Number: 219620680
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ
Transient.

Bldg. 7311, Fort Polk
Property Number: 219620681
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ
Transient.

Bldg. 7310, Fort Polk
Property Number: 219620682
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ
Transient.

Bldg. 7309, Fort Polk
Property Number: 219620683
Fed Reg Date: 09/06/96
Ft. Polk, LA, Co: Vernon, Zip: 71459-
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ
Transient, needs repair.

Bldg. 5917 A, B, C, D
Property Number: 219630164
Fed Reg Date: 11/08/96
Fort Polk
Ft. Polk, LA, Co: Vernon Parish, Zip: 71459-
7100
Status: Unutilized
Comment: 3902 sq. ft., family housing, needs
rehab.

Maryland

Buildings

Bldg. E5878
Property Number: 219012652
Fed Reg Date: 09/06/96
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010-
5425
Status: Unutilized
Comment: 213 sq. ft.; structural deficiencies;
possible asbestos; and contamination.

Bldg. E5879
Property Number: 219012653
Fed Reg Date: 09/06/96
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010-
5425
Status: Unutilized
Comment: 213 sq. ft.; possible asbestos and
contamination; no utilities; most recent
use—igloo storage.

Bldg. 10302
Property Number: 219012666
Fed Reg Date: 09/06/96
Project Name: Aberdeen Proving Ground

Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010-
5425
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most
recent use—pumping station.

Bldg. E5975
Property Number: 219012677
Fed Reg Date: 09/06/96
Project Name: Aberdeen Proving Ground
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford, Zip: 21010-
5425

Status: Unutilized
Comment: 650 sq. ft.; possible contamination;
structural deficiencies; most recent use—
training exercises/chemicals and
explosives; potential use—storage.

Bldg. 6687
Property Number: 219220446
Fed Reg Date: 09/06/96
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade, MD, Co: Anne Arundel, Zip:
20755-5115
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos,
wood frame, most recent use—veterinarian
clinic, off-site removal only, sched. to be
vacated 10/1/92.

Bldgs. 2251, 2252
Property Number: 219430180
Fed Reg Date: 09/06/96
Fort Meade
Ft. Meade, MD, Co: Anne Arundel, Zip:
20755-5115
Status: Unutilized
Comment: 648 & 3594 sq. ft., 1-story,
concrete/metal structure, needs rehab,
presence of asbestos, most recent use—
heating plant & admin.

Bldg. E4144
Property Number: 219540001
Fed Reg Date: 09/06/96
Aberdeen Proving Ground
Aberdeen, MD, Co: Harford, Zip: 21005-5001
Status: Unutilized
Comment: 1632 sq. ft., concrete frame bath
house, 1 story, presence of asbestos and
lead paint.

Minnesota

Land

Land
Property Number: 219120269
Fed Reg Date: 09/06/96
Twin Cities Army Ammunition Plant
New Brighton, MN, Co: Ramsey, Zip: 55112-
Status: Underutilized
Comment: Approx. 49 acres, possible
contamination, secured area with alternate
access.

Missouri

Buildings

Bldg. T599
Property Number: 219230260
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized

Comment: 18270 sq. ft., 1-story, presence of
asbestos, most recent use—storehouse, off-
site use only.

Bldg. T1311
Property Number: 219230261
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of
asbestos, most recent use—storehouse, off-
site use only.

Bldg. T427
Property Number: 219330299
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 10245 sq. ft., 1-story, presence of
asbestos, most recent use—post office, off-
site use only.

Bldg. T2368
Property Number: 219330306
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of
asbestos, off-site use only.

Bldg. T3005
Property Number: 219330307
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 2220 sq. ft., 1-story, presence of
asbestos, most recent use—motor repair
shop, off-site use only.

Bldg. T2171
Property Number: 219340212
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Unutilized
Comment: 1296 sq. ft., 1-story wood frame,
most recent use—administrative, no
handicap fixtures, lead base paint, off-site
use only.

Bldg. T2312
Property Number: 219340217
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 1403 sq. ft., 1-story wood frame,
most recent use—paint shop, no handicap
fixtures, lead base paint, off-site use only.

Bldg. T6822
Property Number: 219340219
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip:
65473-5000
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame,
most recent use—storage, no handicap
fixtures, off-site use only.

Bldg. T1364

Property Number: 219420393
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only.

Bldg. T281
Property Number: 219420397
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 4230 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T282
Property Number: 219420398
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 15923 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T283
Property Number: 219420431
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 6163 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T408
Property Number: 219420433
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T410
Property Number: 219420435
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 2664 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T412
Property Number: 219420437
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T429
Property Number: 219420439
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T1497
Property Number: 219420441
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T2139
Property Number: 219420446
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only.

Bldg. T-2191
Property Number: 219440334
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4720 sq. ft., 2-story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T-2197
Property Number: 219440335
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4720 sq. ft., 2-story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks.

Bldg. T403
Property Number: 219510107
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 5818 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T460
Property Number: 219510108
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 5428 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T464
Property Number: 219510109
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 5310 sq. ft., 2-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T590
Property Number: 219510110
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T1246
Property Number: 219510111
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T2385
Property Number: 219510115
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T3007
Property Number: 219510116
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T3008
Property Number: 219510117
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T3010
Property Number: 219510118
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

Bldg. T3011
Property Number: 219510119
Fed Reg Date: 09/06/96
Fort Leonard Wood
Ft. Leonard Wood, MO, Co: Pulaski, Zip: 65473-5000
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only.

North Carolina

Buildings

Bldg. 3-2331, Fort Bragg

Property Number 219610724

Fed Reg Date: 09/06/96

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 1027 sq. ft., needs repair, possible asbestos, most recent use—storage, off-site use only.

Bldg. N-3931, Fort Bragg

Property Number 219610725

Fed Reg Date: 09/06/96

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 3258 sq. ft., needs repair, possible asbestos, most recent use—admin., off-site use only.

Bldg. N-4921, Fort Bragg

Property Number 219610727

Fed Reg Date: 09/06/96

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 5676 sq. ft., needs repair, possible asbestos, most recent use—maintenance, off-site use only.

Bldg. 0-9064

Property Number 219620686

Fed Reg Date: 09/06/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 480 sq. ft., most recent use—storage bldg., possible asbestos, needs repair, off-site use only.

Bldg. 0-9107

Property Number 219620687

Fed Reg Date: 09/06/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 80 sq. ft., most recent use—storage shed, possible asbestos, off-site use only.

Bldg. D-1102

Property Number 219630180

Fed Reg Date: 11/08/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 3812 sq. ft., needs rehab, most recent use—training, off-site use only.

Bldg. K1320

Property Number 219630181

Fed Reg Date: 11/08/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 4725 sq. ft., needs rehab, most recent use—community bldg, off-site use only.

Bldg. 2-5411

Property Number 219630183

Fed Reg Date: 11/08/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 3100 sq. ft., needs rehab, most recent use—heat plant, off-site use only.

Bldg. E-7429

Property Number 219630184

Fed Reg Date: 11/08/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 3780 sq. ft., needs rehab, most recent use—training bldg., off-site use only.

Bldg. E-7530

Property Number 219630185

Fed Reg Date: 11/08/96

Fort Bragg

Ft. Bragg, NC, Co: Cumberland, Zip: 28307-

Status: Unutilized

Comment: 3747 sq. ft., needs rehab, most recent use—training bldg., off-site use only.

North Dakota

Buildings

Bldg. 001

Property Number 219640207

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58355-

Status: Unutilized

Comment: 1040 sq. ft., needs rehab, most recent use—auto craft shop, off-site use only.

Bldg. 301

Property Number 219640208

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58355-

Status: Unutilized

Comment: 18830 sq. ft., needs rehab, most recent use—office, off-site use only.

Bldg. 304

Property Number 219640209

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58355-

Status: Unutilized

Comment: 3658 sq. ft., needs rehab, most recent use—office, off-site use only.

Bldg. 306

Property Number 219640210

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58355-

Status: Unutilized

Comment: 1720 sq. ft., needs rehab, most recent use—service station, off-site use only.

Bldg. 348

Property Number: 219640211

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58355-

Status: Unutilized

Comment: 21275 sq. ft., needs rehab, most recent use—dining facility, off-site use only.

Bldg. 705

Property Number: 219640212

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Concrete, ND, Co: Pembina, Zip: 58220-

Status: Unutilized

Comment: 9432 sq. ft., needs rehab, most recent use—storage shed, off-site use only.

Bldg. 1101

Property Number: 219640213

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Ramsey, Zip: 58355-

Status: Unutilized

Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 1110

Property Number: 219640214

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Ramsey, Zip: 58355-

Status: Unutilized

Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 2101

Property Number: 219640215

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58249-

Status: Unutilized

Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 2110

Property Number: 219640216

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Cavalier, Zip: 58249-

Status: Unutilized

Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

Bldg. 4101

Property Number: 219640217

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Walsh, Zip: 58355-

Status: Unutilized

Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only.

Bldg. 4110

Property Number: 219640218

Fed Reg Date: 12/20/96

Stanley R. Mickelsen Safeguard Complex

Nekoma, ND, Co: Walsh, Zip: 58355-

Status: Unutilized

Comment: 11956 sq. ft., concrete, needs rehab, off-site use only.

New Mexico

Buildings

Bldg. 149

Property Number: 219330333

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip:

88002-

Status: Unutilized

Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 150

Property Number: 219330334

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip:

88002-

Status: Unutilized

Comment: 3750 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 357

Property Number: 219330335

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip:

88002-

Status: Unutilized

Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only.

Bldg. 1758

Property Number: 219330336

Fed Reg Date: 09/06/96

White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 1620 sq. ft., 1-story, presence of
asbestos, most recent use—admin., off-site
use only.
Bldg. 1768
Property Number: 219330337
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 15,333 sq. ft., 1-story, presence of
asbestos, most recent use—admin., off-site
use only.
Bldg. 28281
Property Number: 219330338
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 1856 sq. ft., 1-story, presence of
asbestos, most recent use—admin., off-site
use only.
Bldg. 28282
Property Number: 219330339
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 1850 sq. ft., 2-story, needs rehab,
presence of asbestos, most recent use—
admin., off-site use only.
Bldg. 32980
Property Number: 219330340
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of
asbestos, most recent use—admin., off-site
use only.
Bldg. 34252
Property Number: 219330341
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of
asbestos, most recent use—admin., off-site
use only.
Bldg. 418
Property Number: 219330342
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 3690 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 420
Property Number: 219330343
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 2407 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 1348
Property Number: 219330345
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 720 sq. ft., 1-story, needs rehab,
presence of asbestos, most recent use—
storage, off-site use only.
Bldg. 1765
Property Number: 219330347
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 600 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 21542
Property Number: 219330348
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 945 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 22118
Property Number: 219330349
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 1341 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 22253
Property Number: 219330350
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 216 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 28267
Property Number: 219330351
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 29195
Property Number: 219330352
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 34219
Property Number: 219330353
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 34221
Property Number: 219330354
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of
asbestos, most recent use—storage, off-site
use only.
Bldg. 145
Property Number: 219330355
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 2954 sq. ft., 1-story, presence of
asbestos, most recent use—chapel, off-site
use only.
Bldg. 1754
Property Number: 219330356
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 6974 sq. ft., 1-story, presence of
asbestos, most recent use—maintenance
shop, off-site use only.
Bldg. 19242
Property Number: 219330357
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of
asbestos, most recent use—maintenance
shop, off-site use only.
Bldg. 34227
Property Number: 219330358
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of
asbestos, most recent use—maintenance
shop, off-site use only.
Bldg. 34244
Property Number: 219330359
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of
asbestos, most recent use—maintenance
shop, off-site use only.
Bldg. 21105
Property Number: 219330360
Fed Reg Date: 09/06/96
White Sands Missile Range
White Sands, NM, Co: Dona Ana, Zip:
88002-

Status: Unutilized
 Comment: 239 sq. ft., presence of asbestos, most recent use—veterinarian facility, off-site use only.

Bldg. 21106

Property Number: 219330361

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 405 sq. ft., 1-story, presence of asbestos, most recent use—veterinarian facility, off-site use only.

Bldg. 21310

Property Number: 219330362

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 1006 sq. ft., 1-story, presence of asbestos, most recent use—transmitter bldg., off-site use only.

Bldg. 29890

Property Number: 219330363

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—frequency monitoring station, off-site use only.

Bldg. 1868

Property Number: 219330364

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 41 sq. ft., 1-story, presence of asbestos, most recent use—scale house, off-site use only.

Bldg. 528

Property Number: 219330365

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 225 sq. ft., 1-story, presence of asbestos, most recent use—decontamination shelter, off-site use only.

Bldg. 1834

Property Number: 219330366

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only.

Bldg. 23100

Property Number: 219330368

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 40 sq. ft., 1-story, presence of asbestos, most recent use—sentry station, off-site use only.

Bldg. 29196

Property Number: 219330369

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg., off-site use only.

Bldg. 30774

Property Number: 219330370

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only.

Bldg. 33136

Property Number: 219330371

Fed Reg Date: 09/06/96

White Sands Missile Range

White Sands, NM, Co: Dona Ana, Zip: 88002–

Status: Unutilized

Comment: 18 sq. ft., off-site use only.

Nevada

Land

Parcel A

Property Number: 219012049

Fed Reg Date: 09/06/96

Project Name: Hawthorne Army Ammo. Plant

Hawthorne Army Ammunition Plant

Hawthorne, NV, Co: Mineral, Zip: 89415–

Location: At Foot of Eastern slope of Mount

Grant in Wassuk Range & S.W. edge of Walker Lane

Status: Unutilized

Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B

Property Number: 219012056

Fed Reg Date: 09/06/96

Project Name: Hawthorne Army Ammo. Plant

Hawthorne Army Ammunition Plant

Hawthorne, NV, Co: Mineral, Zip: 89415–

Location: At Foot of Eastern slope of Mount

Grant in Wassuk Range & S.W. edge of Walker Lane

Status: Unutilized

Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C

Property Number: 219012057

Fed Reg Date: 09/06/96

Project Name: Hawthorne Army Ammo. Plant

Hawthorne Army Ammunition Plant

Hawthorne, NV, Co: Mineral, Zip: 89415–

Location: South-southwest of Hawthorne

along HWAAP's South Magazine Area at

Western edge of State Route 359

Status: Unutilized

Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D

Property Number: 219012058

Fed Reg Date: 09/06/96

Project Name: Hawthorne Army Ammo. Plant

Hawthorne Army Ammunition Plant

Hawthorne, NV, Co: Mineral, Zip: 89415–

Location: South-southwest of Hawthorne

along HWAAP's South Magazine Area at

Western edge of State Route 359

Status: Unutilized

Comment: 955 acres; road & utility easements; no utility hookup.

Buildings

Bldgs. 00425–00449

Property Number: 219011946

Fed Reg Date: 09/06/96

Project Name: Hawthorne Army Ammo. Plant

Hawthorne Army Ammunition Plant

Schweer Drive Housing Area

Hawthorne, NV, Co: Mineral, Zip: 89415–

Status: Unutilized

Comment: 1310–1640 sq. ft., one-floor residential, semi/wood construction, good condition.

New York

Land

Land—6.965 Acres

Property Number: 219540018

Fed Reg Date: 09/06/96

Dix Avenue

Queensbury, NY, Co: Warren, Zip: 12801–

Status: Unutilized

Comment: 6.96 acres of vacant land, located in industrial area, potential utilities.

Buildings

Bldg. 100, Fort Hamilton

Property Number: 219340254

Fed Reg Date: 09/06/96

Bellmore, NY, CO: Nassau, Zip: 11710–

Status: Unutilized

Comment: 155 sq. ft., 1-story, most recent use—storage.

Bldg. 200, Fort Hamilton

Property Number: 219340255

Fed Reg Date: 09/06/96

Bellmore, NY, Co: Nassau, Zip: 11710–

Status: Unutilized

Comment: 12000 sq. ft., 1-story, most recent use—office.

Bldg. 300, Fort Hamilton

Property Number: 219340256

Fed Reg Date: 09/06/96

Bellmore, NY, Co: Nassau, Zip: 11710–

Status: Underutilized

Comment: 11000 sq. ft., 1-story, most recent use—reserve center.

Bldg. 900, Fort Hamilton

Property Number: 219430259

Fed Reg Date: 09/06/96

Bellmore, NY, Co: Nassau, Zip: 11710–

Status: Underutilized

Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage.

Bldgs. 2611, 2613, 2615, 2617

Property Number: 219610721

Fed Reg Date: 09/06/96

Stewart Army Subpost

New Windsor, NY, Co: Orange, Zip: 12553–

Status: Unutilized

Comment: 4 detached garages with 2-vehicle parking per garage, off-site use only.

Bldg. 148

Property Number: 219610722

Fed Reg Date: 09/06/96

West Point

Highlands, NY, Co: Orange, Zip: 10996–1592

Status: Unutilized

Comment: 1900 sq. ft., 2-story brick residence, possible lead base paint, off-site use only.

Bldg. 1342

- Property Number: 219610723
Fed Reg Date: 09/06/96
West Point
Highlands, NY, Co: Orange, Zip: 10996-1592
Status: Unutilized
Comment: 400 sq. ft. detached garage, possible lead base paint, off-site use only.
- 24 Residential Apt. Bldgs.
Property Number: 219630165
Fed Reg Date: 11/08/96
Stewart Gardens, Army Wherry Family Housing
New Windsor, NY, Co: Orange, Zip 12553-
Status: Unutilized
Comment: most recent use—family housing, needs rehab, presence of asbestos, off-site use only.
- 11 Detached Garages
Property Number: 219630166
Fed Reg Date: 11/08/96
Stewart Gardens, Army Wherry Family Housing
New Windsor, NY, Co: Orange, Zip 12553-
Status: Unutilized
Comment: needs rehab, off-site use only.
- 27 Storage Sheds.
Property Number: 219630167
Fed Reg Date: 11/08/96
Stewart Gardens, Army Wherry Family Housing
New Windsor, NY, Co: Orange, Zip 12553-
Status: Unutilized
Comment: good condition, off-site use only.
- Bldg. 1810
Property Number: 219630168
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip 12553-
Status: Unutilized
Comment: 1453 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only.
- Bldg. 2297
Property Number: 219630169
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 102 sq. ft., needs rehab, presence of asbestos, most recent use—emerg. power station, off-site use only.
- Bldgs. 2506, 2514, 2516
Property Number: 219630170
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 4350 sq. ft. each, needs rehab, presence of asbestos, most recent use—office, off-site use only.
- Bldg. 2608
Property Number: 219630171
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 6634 sq. ft., needs rehab, presence of asbestos, most recent use—barracks, off-site use only.
- Bldg. 2619
Property Number: 219630172
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 1680 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only.
- Bldg. 1600
Property Number: 219630173
Fed Reg Date: 11/08/96
Stewart Army Subpost
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 1453 sq. ft., needs rehab, presence of asbestos, most recent use—dayroom, off-site use only.
- 6 Bldgs.
Property Number: 219630174
Fed Reg Date: 11/08/96
Stewart Army Subpost
#1602, 1604, 1606, 1608, 1610, 1612
New Windsor, NY, Co: Orange, Zip: 12553-
Status: Unutilized
Comment: 4349 sq. ft. each, needs rehab, presence of asbestos, most recent use—barracks, off-site use only.
- Bldgs. 644, 658
Property Number: 219630175
Fed Reg Date: 11/08/96
U.S. Military Academy—West Point
Highlands, NY, Co: Orange, Zip: 10996-
Status: Unutilized
Comment: 1922 sq. ft. each, needs rehab, presence of asbestos, most recent use—admin., off-site use only.
- Bldg. 650
Property Number: 219630176
Fed Reg Date: 11/08/96
U.S. Military Academy—West Point
Highlands, NY, Co: Orange, Zip: 10996-
Status: Unutilized
Comment: 3292 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only.
- Bldg. 660
Property Number: 219630177
Fed Reg Date: 11/08/96
U.S. Military Academy—West Point
Highlands, NY, Co: Orange, Zip: 10996-
Status: Unutilized
Comment: 1742 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only.
- Bldgs. 662, 664
Property Number: 219630178
Fed Reg Date: 11/08/96
U.S. Military Academy—West Point
Highlands, NY, Co: Orange, Zip: 10996-
Status: Unutilized
Comment: 5082 sq. ft. each, needs repair, presence of asbestos, most recent use—admin., off-site use only.
- Bldg. 668
Property Number: 219630179
Fed Reg Date: 11/08/96
U.S. Military Academy—West Point
Highlands, NY, Co: Orange, Zip: 10996-
Status: Unutilized
Comment: 3140 sq. ft., needs repair, presence of asbestos, most recent use—preschool, off-site use only.
- Ohio*
Land
5 acres
Property Number: 219630313
Fed Reg Date: 09/06/96
Doan U.S. Army Reserve Center
Portsmouth, OH, Co: Scioto, Zip: 45662-
Status: Unutilized
Comment: 5 acres including paved roads, parking, sidewalks, etc.
- Buildings
15 Units
Property Number: 219630354
Fed Reg Date: 09/06/96
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266-9297
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom (8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only.
- 7 Units
Property Number: 219630355
Fed Reg Date: 09/06/96
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage, Zip: 44266-9297
Status: Excess
Comment: 1—4 stall garage and 6—3 stall garages, presence of asbestos, off-site use only.
- Bldg. P-3
Property Number: 219630311
Fed Reg Date: 09/06/96
Doan U.S. Army Reserve Center
Portsmouth, OH, Co: Scioto, Zip: 45662-
Status: Unutilized
Comment: 10752 sq. ft., 1-story brick, most recent use—office, possible asbestos.
- Bldg. P-4
Property Number: 219320312
Fed Reg Date: 09/06/96
Doan U.S. Army Reserve Center
Portsmouth, OH, Co: Scioto, Zip: 45662-
Status: Unutilized
Comment: 2722 sq. ft., 1-story brick, most recent use—vehicle maint. shop.
- Oklahoma*
Buildings
Bldg. T-2606
Property Number: 219011273
Fed Reg Date: 09/06/96
Fort Sill
2606 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.
- Bldg. T-838, Fort Sill
Property Number: 219220609
Fed Reg Date: 09/06/96
838 Macomb Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).
- Bldg. T-954, Fort Sill
Property Number: 219240659
Fed Reg Date: 09/06/96
954 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

- Bldg. T-1050, Fort Sill
Property Number: 219240660
Fed Reg Date: 09/06/96
1050 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.
- Bldg. T-1051, Fort Sill
Property Number: 219240661
Fed Reg Date: 09/06/96
1051 Quinette Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—barracks.
- Bldg. T-2740, Fort Sill
Property Number: 219240669
Fed Reg Date: 09/06/96
2740 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only, most recent use—enlisted barracks.
- Bldg. T-2633, Fort Sill
Property Number: 219240672
Fed Reg Date: 09/06/96
2633 Miner Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 19455 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—enlisted mess.
- Bldg. T-4050, Fort Sill
Property Number: 219240676
Fed Reg Date: 09/06/96
4050 Pitman Street
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—storage.
- Bldg. P-3032 Fort Sill
Property Number: 219240678
Fed Reg Date: 09/06/96
3032 Haskins Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—general storehouse.
- Bldg. T-3325, Fort Sill
Property Number: 219240681
Fed Reg Date: 09/06/96
3325 Naylor Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—warehouse.
- Bldg. T-260, Fort Sill
Property Number: 219240776
Fed Reg Date: 09/06/96
260 Corral Road
Lawton, OK, Co: Comanche, Zip: 73503-5000
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin.
- Bldg. P-6220, Fort Sill
Property Number: 219320335
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73501-5100
Status: Unutilized
Comment: 848 sq. ft., 1-story metal frame, possible asbestos, most recent use—construction bldg., off-site use only.
- Bldg. S-6228, Fort Sill
Property Number: 219320336
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73501-5100
Status: Unutilized
Comment: 352 sq. ft., 1-story wood frame, possible asbestos, most recent use—range house, off-site use only.
- Bldg. P-2610, Fort Sill
Property Number: 219330372
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only.
- Bldg. 4722, Fort Sill
Property Number: 219330373
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 3375 sq. ft., 2-story, possible asbestos, most recent use—admin., off-site use only.
- Bldg. T1652, Fort Sill
Property Number: 219330380
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T1665, Fort Sill
Property Number: 219330381
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 1305 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2034, Fort Sill
Property Number: 219330383
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 401 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2705, Fort Sill
Property Number: 219330384
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2706, Fort Sill
Property Number: 219330385
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2156 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2709, Fort Sill
Property Number: 219330388
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2112 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2756, Fort Sill
Property Number: 219330390
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T2757, Fort Sill
Property Number: 219330391
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T3026, Fort Sill
Property Number: 219330392
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T4035, Fort Sill
Property Number: 219330401
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 867 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T4474, Fort Sill
Property Number: 219330402
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T5628, Fort Sill
Property Number: 219330418
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2016 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T5637, Fort Sill
Property Number: 219330419
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.
- Bldg. T5215, Fort Sill
Property Number: 219440376
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized
Comment: 2797 sq. ft., 1-story wood farm, possible asbestos and lead paint, most recent use—admin., off-site use only.
- Bldg. T5219, Fort Sill
Property Number: 219440381
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Unutilized

- Comment: 2662 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—classroom, off-site use only.
- Bldg. T4226, Fort Sill
Property Number: 219440384
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only.
- Bldg. P-1015, Fort Sill
Property Number: 219520197
Fed Reg Date: 9/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only.
- Bldg. T-2405, Fort Sill
Property Number: 219540019
Fed Reg Date: 09/06/96
2405 Darby Loop
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 114 sq. ft., 1 story steel frame, possible asbestos/lead paint, off-site removal only, most recent use—flammable material storage.
- Bldg. T-2645, Fort Sill
Property Number: 219540020
Fed Reg Date: 09/06/96
2645 Tacy Street
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 3135 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—vehicle maintenance shop.
- Bldg. T-2646, Fort Sill
Property Number: 219540021
Fed Reg Date: 09/06/96
2646 Tacy Street
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 3213 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—vehicle maintenance shop.
- Bldg. T-2648, Fort Sill
Property Number: 219540022
Fed Reg Date: 09/06/96
2648 Tacy Street
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 9407 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general purpose warehouse.
- Bldg. T-3150, Fort Sill
Property Number: 219540023
Fed Reg Date: 09/06/96
3150 Hoskins Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 9359 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—warehouse.
- Bldg. T-2649, Fort Sill
Property Number: 219540024
Fed Reg Date: 09/06/96
2649 Tacy Street
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 9374 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—general storehouse.
- Bldg. T-2940, Fort Sill
Property Number: 219540033
Fed Reg Date: 09/06/96
2940 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 4397 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—recreation building.
- Bldg. T-4036, Fort Sill
Property Number: 219540034
Fed Reg Date: 09/06/96
4036 Currie Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 4532 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—classroom.
- Bldg. T-5050, Fort Sill
Property Number: 219540036
Fed Reg Date: 09/06/96
5050 Rumble Road
Lawton, OK, Co: Comanche, Zip: 73503-5100
Status: Excess
- Comment: 2470 sq. ft., 1 story wood frame, possible asbestos/lead paint, off-site removal only, most recent use—PX Branch.
- Bldg. T-241, Fort Sill
Property Number: 219610731
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 2400 sq. ft., possible asbestos, most recent use—barracks, off-site use only.
- Bldg. T-297, Fort Sill
Property Number: 219610732
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 2427 sq. ft., possible asbestos, most recent use—classroom, off-site use only.
- Bldg. T-4008, Fort Sill
Property Number: 219610733
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 2750 sq. ft., possible asbestos, most recent use—office, off-site use only.
- Bldg. T-4467, Fort Sill
Property Number: 219610734
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 3069 sq. ft., possible asbestos, most recent use—mess hall, off-site use only.
- Bldg. T-4458, Fort Sill
Property Number: 219610735
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 2964 sq. ft., needs repair, possible asbestos, most recent use—mess hall, off-site use only.
- Bldg. T-367, Fort Sill
Property Number: 219610736
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 9370 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. T-1955, Fort Sill
Property Number: 219610737
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 12810 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. T-2179, Fort Sill
Property Number: 219610738
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 18775 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. T-5604, Fort Sill
Property Number: 219610739
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 9190 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. P-366, Fort Sill
Property Number: 219610740
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. P-5237, Fort Sill
Property Number: 219610741
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 87 sq. ft., possible asbestos, most recent use—storage, off-site use only.
- Bldg. P-2787, Fort Sill
Property Number: 219610742
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 200 sq. ft., possible asbestos, most recent use—transformer bldg., off-site use only.
- Bldg. P-2785, Fort Sill
Property Number: 219610743
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 196 sq. ft., possible asbestos, most recent use—transformer bldg., off-site use only.
- Bldg. P-1198, Fort Sill
Property Number: 219610744
Fed Reg Date: 09/06/96
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 256 sq. ft., possible asbestos, most recent use—water pumping station, off-site use only.
- Bldg. T-4721
Property Number: 219620688
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
- Comment: 114 sq. ft., most recent use—storehouse, possible asbestos/lead paint, off-site use only.
- Bldg. T-4430
Property Number: 219620689
Fed Reg Date: 09/06/96
Fort Sill

- Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 2974 sq. ft., most recent use—
warehouse, possible asbestos/lead paint,
off-site use only.
Bldg. T-4428
Property Number: 219620690
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 2974 sq. ft., most recent use—
storage/dining, possible asbestos/lead
paint, off-site use only.
Bldg. T-4400
Property Number: 219620691
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 2974 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. T-4115
Property Number: 219620692
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 96 sq. ft., most recent use—shelter,
possible asbestos/lead paint, off-site use
only.
Bldg. T-3326
Property Number: 219620693
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 8832 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. T-3290
Property Number: 219620694
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 96 sq. ft. most recent use—shelter,
possible asbestos/lead paint, off-site use
only.
Bldg. T-2955
Property Number: 219620695
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 3660 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. T-2917
Property Number: 219620696
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 3746 sq. ft., most recent use—
exchange svc outlet, possible asbestos/lead
paint, off-site use only.
Bldg. T-2450
Property Number: 219620697
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 1173 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. T-2438
Property Number: 219620698
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 9002 sq. ft., most recent use—
storage/office, possible asbestos/lead paint,
off-site use only.
Bldg. T-2425
Property Number: 219620699
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 9052 sq. ft., most recent use—
storehouse, possible asbestos/lead paint,
off-site use only.
Bldg. S-2242
Property Number: 219620700
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 348 sq. ft., most recent use—
shower possible asbestos/lead paint, off-
site use only.
Bldg. P-2093
Property Number: 219620701
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 106 sq. ft., most recent use—
transformer bldg., possible asbestos/lead
paint, off-site use only.
Bldg. P-2092
Property Number: 219620702
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 131 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. P-2091
Property Number: 219620703
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 106 sq. ft., most recent use—
transformer bldg., possible asbestos/lead
paint, off-site use only.
Bldg. T-1951
Property Number: 219620704
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 402 sq. ft., most recent use—
storage shed, possible asbestos/lead paint,
off-site use only.
Bldg. T-1943
Property Number: 219620705
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 1439 sq. ft., most recent use—
office/shop, possible asbestos/lead paint,
off-site use only.
Bldg. P-1710
Property Number: 219620706
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 7668 sq. ft., most recent use—
warehouse, possible asbestos/lead paint,
off-site use only.
Bldg. P-1700
Property Number: 219620707
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 7574 sq. ft., most recent use—
maint. shop/office, possible asbestos/lead
paint, off-site use only.
Bldg. T-1610
Property Number: 219620708
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 96 sq. ft., most recent use—shelter,
possible asbestos/lead paint, off-site use
only.
Bldg. T-1002
Property Number: 219620709
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 264 sq. ft., most recent use—
shelter, possible asbestos/lead paint, off-
site use only.
Bldg. P-594
Property Number: 219620710
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 106 sq. ft., most recent use—
transformer bldg., possible asbestos/lead
paint, off-site use only.
Bldg. P-586
Property Number: 219620711
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 106 sq. ft., most recent use—
transformer bldg., possible asbestos/lead
paint, off-site use only.
Bldg. T-299
Property Number: 219620712
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 2974 sq. ft., most recent use—
classroom, possible asbestos/lead paint,
off-site use only.
Bldg. T-271
Property Number: 219620713
Fed Reg Date: 09/06/96
Fort Sill
Lawton, OK, Co: Comanche, Zip: 73503—
Status: Unutilized
Comment: 283 sq. ft., most recent use—
storage, possible asbestos/lead paint, off-
site use only.
Bldg. T-298
Property Number: 219620714

Fed Reg Date: 09/06/96

Fort Sill

Lawton, OK, Co: Comanche, Zip: 73503-

Status: Unutilized

Comment: 2432 sq. ft., most recent use—classroom, possible asbestos/lead paint, off-site use only.

South Carolina

Buildings

Bldg. 5412

Property Number: 219510139

Fed Reg Date: 09/06/96

Fort Jackson

Ft. Jackson, SC, Co: Richland, Zip: 29207-
Status: Excess

Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only.

Bldg. 4510

Property Number: 219620715

Fed Reg Date: 09/06/96

Fort Jackson

Ft. Jackson, SC, Co: Richland, Zip: 29207-
Status: Unutilized

Comment: 10424 sq. ft., needs repair, most recent use—craft shop, off-site use only.

Bldg. 6528

Property Number: 219620716

Fed Reg Date: 09/06/96

Fort Jackson

Ft. Jackson, SC, Co: Richland, Zip: 29207-
Status: Unutilized

Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. 6529

Property Number: 219620717

Fed Reg Date: 09/06/96

Fort Jackson

Ft. Jackson, SC, Co: Richland, Zip: 29207-
Status: Unutilized

Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only.

Bldg. 6530

Property Number: 219620718

Fed Reg Date: 09/06/96

Fort Jackson

Ft. Jackson, SC, Co: Richland, Zip: 29207-
Status: Unutilized

Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only.

Tennessee

Land

Holston Army Ammunition Plant

Property Number: 219012338

Fed Reg Date: 09/06/96

Project Name: Holston Army Ammunition
Plant

Kingsport, TN, Co: Hawkins, Zip: 61299-
6000

Status: Unutilized

Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Land

Old Camp Bullis Road

Property Number: 219420461

Fed Reg Date: 09/06/96

Fort Sam Houston

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 7.16 acres, rural gravel road.

Camp Bullis, Tract 9

Property Number: 219420462

Fed Reg Date: 09/06/96

Fort Sam Houston

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 1.07 acres of undeveloped land.

Castner Range

Property Number: 219610788

Fed Reg Date: 09/06/96

Fort Bliss

El Paso, TX, Co: El Paso, Zip: 79916-

Status: Unutilized

Comment: approx. 56.81 acres, portion in floodway, most recent use—recreation picnic park.

Buildings

Bldg. P-3824, Fort Sam Houston

Property Number: 219220398

Fed Reg Date: 09/06/96

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. 440, Fort Bliss

Property Number: 219320355

Fed Reg Date: 09/06/96

El Paso, TX, Co: El Paso, Zip: 79916-

Status: Unutilized

Comment: 1651 sq. ft., 1-story brick, most recent use—education facility, off-site use only.

Bldg. P-377, Fort Sam Houston

Property Number: 219330444

Fed Reg Date: 09/06/96

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only.

Bldg. T-5901

Property Number: 219330486

Fed Reg Date: 09/06/96

Fort Sam Houston

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. 315, Fort Hood

Property Number: 219410315

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: Bell, Zip: 76544-

Status: Unutilized

Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 316, Fort Hood

Property Number: 219410316

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: Bell, Zip: 76544-

Status: Unutilized

Comment: 1500 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 317, Fort Hood

Property Number: 219410317

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: Bell, Zip: 76544-

Status: Unutilized

Comment: 2000 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 4480, Fort Hood

Property Number: 219410322

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: Bell, Zip: 76544-

Status: Unutilized

Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. 1165, Fort Bliss

Property Number: 219420456

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: El Paso, Zip: 79916-

Status: Unutilized

Comment: 5263 sq. ft., 1-story wood, needs repair, most recent use—office, off-site use only.

Bldg. 4718, Fort Bliss

Property Number: 219420459

Fed Reg Date: 09/06/96

El Paso, TX, Co: El Paso, Zip: 79916-

Status: Unutilized

Comment: 899 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only.

Bldg. 4719, Fort Bliss

Property Number: 219420460

Fed Reg Date: 09/06/96

El Paso, TX, Co: El Paso, Zip: 79916-

Status: Unutilized

Comment: 519 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only.

Bldg. 4105, Fort Hood

Property Number: 219420463

Fed Reg Date: 09/06/96

Ft. Hood, TX, Co: Coryell, Zip: 76544-

Status: Unutilized

Comment: 2535 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only.

Bldg. 2, Fort Hood

Property Number: 219440337

Fed Reg Date: 09/06/96

Lubbock, TX, Co: Lubbock, Zip: 79408-

Status: Unutilized

Comment: 2818 sq. ft., 1-story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center maintenance shop.

Bldg. P-452

Property Number: 219440449

Fed Reg Date: 09/06/96

Fort Sam Houston

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Excess

Comment: 600 sq. ft., 1-story stucco frame, lead paint, off-site removal only, most recent use—bath house.

Bldg. P-6615

Property Number: 219440454

Fed Reg Date: 09/06/96

Fort Sam Houston

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Excess

Comment: 400 sq. ft., 1-story concrete frame, off-site removal only, most recent use—detached garage.

Bldg. T-300, Fort Sam Houston

Property Number: 219520118

Fed Reg Date: 09/06/96

San Antonio, TX, Co: Bexar, Zip: 78234-5000

Status: Unutilized

Comment: 8352 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only.

Bldg. P-1059, Fort Sam Houston

Property Number: 219520121

Fed Reg Date: 09/06/96

San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Unutilized
 Comment: 700 gr. sq. ft., presence of lead base paint and asbestos, most recent use—admin., off-site use only.

Bldg. 307, Fort Hood
 Property Number: 219520198
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Excess
 Comment: 1600 sq. ft., 1-story, most recent use—med. clinic, off-site use only.

Bldg. 507, Fort Hood
 Property Number: 219520199
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Unutilized
 Comment: 1600 sq. ft., 1-story, presence of asbestos, off-site use only.

Bldg. 831, Fort Hood
 Property Number: 219520200
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Unutilized
 Comment: 4780 sq. ft., 2-story, most recent use—training, needs rehab, off-site use only.

Bldg. 4201, Fort Hood
 Property Number: 219520201
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Unutilized
 Comment: 9000 sq. ft., 1-story, off-site use only.

Bldg. 4202, Fort Hood
 Property Number: 219520202
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Unutilized
 Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only.

Bldg. P-1030
 Property Number: 219520203
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Excess
 Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only.

Bldg. 832, Fort Hood
 Property Number: 219540068
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Excess
 Comment: 3983 sq. ft., 2 story, off-site removal only, most recent use—admin.

Land, Fort Hood
 Property Number: 219540069
 Fed Reg Date: 09/06/96
 Ft. Hood, TX, Co: Bell, Zip: 76544-
 Status: Excess
 Comment: 4.808 acres of unimproved land, potential utilities.

Bldg. 56514
 Property Number: 219610745
 Fed Reg Date: 09/06/96
 Ft Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 500 sq. ft., most recent use—dining, off-site use only.

Bldg. 56642-56645
 Property Number: 219610746
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 500 sq. ft., most recent use—dining, off-site use only.

Bldg. 56649
 Property Number: 219610747
 Fed Reg Date: 09/06/96
 Ft Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 506.7 sq. ft., most recent use—dining, off-site use only.

Bldg. 56722-56725
 Property Number: 219610748
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 500 sq. ft. each, most recent use—dining, off-site use only.

Bldg. 56729
 Property Number: 219610749
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 506.7 sq. ft., most recent use—dining, off-site use only.

Bldg. 56732-56735
 Property Number: 219610750
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 500 sq. ft. each, most recent use—dining, off-site use only.

Bldg. 56739
 Property Number: 219610751
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 506.7 sq. ft., most recent use—dining, off-site use only.

Bldgs. 56742-56745
 Property Number: 219610752
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 500 sq. ft. each, most recent use—dining, off-site use only.

Bldg. 56749
 Property Number: 219610753
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 506.7 sq. ft., most recent use—dining, off-site use only.

Bldg. 439
 Property Number: 219610754
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 3983 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2046
 Property Number: 219610757
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: 2700 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldgs. 56738, 56647
 Property Number: 219610768
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544-
 Status: Unutilized
 Comment: needs rehab, off-site use only.

Bldg. P-8224B
 Property Number: 219610783
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 TX, Co: Bexar, Zip: 78234-5000
 Status: Underutilized
 Comment: 1126 gross sq. ft., needs rehab, presence of lead base paint, most recent use—family housing.

5 Bldgs., Family Quarters
 Property Number: 219620233
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916-
 Location: 2126A/B, 2148A/B, 2218A/B, 2230A/B, 2245A/B
 Status: Unutilized
 Comment: 769 sq. ft., needs rehab, possible asbestos/lead paint, off-site use—only.

12 Bldgs., Family Quarters
 Property Number: 219620234
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916-
 Location: 2106A/B, 2144A/B, 2156A/B, 2164A/B, 2172A/B, 2194A/B, 2220A/B, 2228A/B, 2234A/B, 2239A/B, 2244A/B, 2214A/B
 Status: Unutilized
 Comment: 916 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only.

11 Bldgs., Family Quarters
 Property Number: 219620235
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916-
 Location: 2105A/B, 2127A/B, 2137A/B, 2191A/B, 2205A/B, 2206A/B, 2216A/B, 2219A/B, 2231A/B, 2241A/B, 2250A/B
 Status: Unutilized
 Comment: 896 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only.

17 Bldgs., Family Quarters
 Property Number: 219620236
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916-
 Location: 2129A/B, 2147A/B, 2150A/B, 2153A/B, 2158A/B, 2161A/B, 2167A/B, 2173A/B, 2179A/B, 2183A/B, 2186A/B, 2193A/B, 2209A/B, 2217A/B, 2227A/B, 2237A/B, 2249A/B
 Status: Unutilized
 Comment: 911 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only.

35 Bldgs., Family Quarters
 Property Number: 219620237
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916-
 Location: 2108, 2109, 2111, 2113, 2119, 2124, 2128, 2134, 2140, 2142, 2145, 2151, 2162,

- 2163, 2168, 2171, 2174, 2176, 2182, 2184, 2188, 2192, 2195, 2202, 2203, 2212, 2223, 2224, 2226, 2232, 2238, 2242, 2246, 2132, 2152
 Status: Unutilized
 Comment: 913 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only.
 Bldg. 57015
 Property Number: 219620722
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544–
 Status: Unutilized
 Comment: 7680 sq. ft., needs rehab, most recent use—storage, off-site use only.
 Bldg. 57016
 Property Number: 219620723
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544–
 Status: Unutilized
 Comment: 7680 sq. ft., needs rehab, most recent use—storage, off-site use only.
 Bldg. 2808
 Property Number: 219620725
 Fed Reg Date: 09/06/96
 Fort Hood
 Ft. Hood, TX, Co: Coryell, Zip: 76544–
 Status: Unutilized
 Comment: 3745 sq. ft., most recent use—chapel, off-site use only.
 Bldg. S-655
 Property Number: 219620728
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized
 Comment: 3296 sq. ft., presence of asbestos/lead paint, most recent use—storage, possible National Historic Pres. Act requirements.
 9 Bldgs., Family Quarters
 Property Number: 219620742
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916–
 Location: 2125A/B, 2135A/B, 2159A/B, 2175A/B, 2197A/B, 2201A/B, 2213A/B, 2221A/B, 2243A/B
 Status: Unutilized
 Comment: 903 sq. ft. each, needs rehab, most recent use—family quarters, presence of asbestos/lead paint, off-site use only.
 14 Bldgs., Family Quarters
 Property Number: 219620743
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916–
 Location: 2120A/B, 2121A/B, 2131A/B, 2157A/B, 2166A/B, 2177A/B, 2185A/B, 2200A/B, 2210A/B, 2211A/B, 2229A/B, 2235A/B, 2240A/B, 2247A/B
 Status: Unutilized
 Comment: 899 sq. ft. each, needs rehab, most recent use—family quarters, presence of asbestos/lead paint, off-site use only.
 35 Bldgs., Family Quarters
 Property Number: 219620744
 Fed Reg Date: 09/06/96
 Hayes Housing Complex, Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916–
 Location: 2107, 2110, 2112, 2114, 2122, 2123, 2130, 2133, 2136, 2138, 2146, 2149, 2154, 2155, 2165, 2169, 2170, 2178, 2180, 2181, 2187, 2189, 2190, 2196, 2198, 2204, 2207, 2208, 2215, 2222, 2225, 2233, 2236, 2248, 2251—A/B
 Status: Unutilized
 Comment: 776 sq. ft. each, needs rehab, most recent use—family quarters, presence of asbestos/lead paint, off-site use only.
 Bldg. 809
 Property Number: 219630187
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916–
 Status: Unutilized
 Comment: 16853 sq. ft., poor condition, most recent use—gymnasium, off-site use only.
 Bldg. 2160
 Property Number: 219630188
 Fed Reg Date: 11/08/96
 Fort Bliss, Hayes Housing Complex
 El Paso, TX, Co: El Paso, Zip: 79916–
 Status: Unutilized
 Comment: 916 sq. ft., poor condition, presence of asbestos/lead based paint, most recent use—family quarters, off-site use only.
 Bldg. 2503
 Property Number: 219630189
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip: 79916–
 Status: Unutilized
 Comment: 3332 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shop, off-site use only.
 Bldgs. 2504, 2506, 2510
 Property Number: 219630190
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip 79916–
 Status: Unutilized
 Comment: 2331 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shops, off-site use only.
 Bldgs. 2511–2513, 2516, 2519
 Property Number: 219630191
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip 79916–
 Status: Unutilized
 Comment: 13711 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shops, off-site use only.
 Bldgs. 2514, 2515
 Property Number: 219630192
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip 79916–
 Status: Unutilized
 Comment: 16976 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shops, off-site use only.
 Bldg. 2535
 Property Number: 219630193
 Fed Reg Date: 11/08/96
 Fort Bliss
 El Paso, TX, Co: El Paso, Zip 79916–
 Status: Unutilized
 Comment: 528 sq. ft., needs major rehab, presence of lead based paint, most recent use—storehouse, off-site use only.
 32 Units
 Property Number: 219630194
 Fed Reg Date: 11/08/96
 Fort Bliss
 Upper William Beaumont Army Medical Center
 El Paso, TX, Co: El Paso, Zip 79916–
 Location: 7402, 7403, 7406, 7410, 7423, 7424, 7427, 7428, 7442, 7446, 7447, 7462, 7463, 7466, 7467, 7485—A/B
 Status: Unutilized
 Comment: A side 1010 sq. ft., B side 777 sq. ft., poor condition, most recent use—residential, off-site use only.
 35 Units
 Property Number: 219630195
 Fed Reg Date: 11/08/96
 Fort Bliss
 Upper William Beaumont Army Medical Center
 El Paso, TX, Co: El Paso, Zip 79916–
 Location: 7401, 7404, 7405, 7408, 7412, 7422, 7425, 7426, 7429, 7430, 7441, 7444, 7445, 7448, 7461, 7464, 7465, 7481—A/B
 Status: Unutilized
 Comment: 972 sq. ft., poor condition, most recent use—residential, off-site use only.
 8 Units
 Property Number: 219630196
 Fed Reg Date: 11/08/96
 Fort Bliss
 Upper William Beaumont Army Medical Center
 El Paso, TX, Co: El Paso, Zip 79916–
 Location: 7407 A/B, 7421 A/B, 7443 A/B, 7483 A/B
 Status: Unutilized
 Comment: 887 sq. ft., poor condition, most recent use—residential, off-site use only.
 Bldg. T-88
 Property Number: 219640219
 Fed Reg Date 12/20/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized
 Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—showers, off-site use only.
 Bldg. P-197
 Property Number: 219640220
 Fed Reg Date 12/20/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized
 Comment: 13819 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only.
 Bldg. T-230
 Property Number: 219640221
 Fed Reg Date 12/20/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized
 Comment: 18102 sq. ft., presence of asbestos/lead paint, most recent use—printing plant and shop, off-site use only.
 Bldg. P-252
 Property Number: 219640222
 Fed Reg Date 12/20/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized
 Comment: 1830 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only.
 Bldg. P-606B
 Property Number: 219640223
 Fed Reg Date 12/20/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234–5000
 Status: Unutilized

- Comment: 1296 sq. ft., presence of asbestos/
lead paint, off-site use only.
Bldg. P-607
Property Number: 219640224
Fed Reg Date 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 12610 sq. ft., presence of asbestos/
lead paint, most recent use—admin/
classroom, off-site use only.
Bldg. P-608
Property Number: 219640225
Fed Reg Date 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 12676 sq. ft., presence of asbestos/
lead paint, most recent use—admin/
classroom, off-site use only.
Bldg. P-608A
Property Number: 219640226
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 2914 sq. ft., presence of asbestos/
lead paint, most recent use—admin/
classroom, off-site use only.
Bldg. P-1000
Property Number: 219640227
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 22674 sq. ft., presence of asbestos/
lead paint, historic property, most recent
use—hospital/medical center.
Bldg. P-1023
Property Number: 219640228
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 2500 sq. ft., presence of lead paint,
most recent use—greenhouse, off-site use
only.
Bldg. P-1058
Property Number: 219640229
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 180 sq. ft., presence of lead paint,
most recent use—storage, off-site use only.
Bldg. P-2270
Property Number: 219640230
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 14622sq. ft., 2-story, historic bldg.,
presence of asbestos/lead paint, most
recent use—auditorium.
Bldg. T-2300
Property Number: 219640231
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 5883 sq. ft., presence of asbestos/
lead paint, most recent use—post office,
off-site use only.
Bldg. P-2399
Property Number: 219640232
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 25922 sq. ft., poor condition,
presence of asbestos/lead paint, most
recent use—dining facility, off-site use
only.
Bldg. S-3898
Property Number: 219640235
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/
lead paint, most recent use—classroom,
off-site use only.
Bldg. S-3899
Property Number: 219640236
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/
lead paint, most recent use—classroom,
off-site use only.
Bldg. P-4190
Property Number: 219640237
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 88067 sq. ft., historic bldg.,
presence of asbestos/lead paint, most
recent use—admin/warehouse.
Bldg. P-4191
Property Number: 219640238
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 88067 sq. ft., historic bldg.,
presence of asbestos/lead paint, most
recent use—admin/warehouse.
Bldg. T-5105
Property Number: 219640239
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 3521 sq. ft., presence of asbestos/
lead paint, most recent use—dining
facility, off-site use only.
Bldg. P-5126
Property Number: 219640240
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 189 sq. ft., off-site use only.
Bldg. P-6201
Property Number: 219640241
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 3003 sq. ft., presence of asbestos/
lead paint, most recent use—officers family
quarters, off-site use only.
Bldg. P-6202
Property Number: 219640242
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 1479 sq. ft., presence lead paint,
most recent use—officers family quarters,
off-site use only.
Bldg. P-6203
Property Number: 219640243
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 1381 sq. ft., presence lead paint,
most recent use—military family quarters,
off-site use only.
Bldg. P-6204
Property Number 219640244
Fed Reg Date: 12/20/96
Fort Sam Houston
San Antonio, TX, Co: Bexar, Zip: 78234-5000
Status: Unutilized
Comment: 1454 sq. ft., presence of asbestos/
lead paint, most recent use—military
family quarters, off-site use only.
Bldg. 1, Fort Hood
Property Number 219640245
Fed Reg Date: 12/20/96
TX, Co: Bell, Zip: 76544-
Status: Unutilized
Comment: 12660 sq. ft., 2-story, most recent
use—admin., off-site use only.
Bldg. 4416, Fort Hood
Property Number 219640246
Fed Reg Date: 12/20/96
TX, Co: Bell, Zip: 76544-
Status: Unutilized
Comment: 3746 sq. ft., 1-story, most recent
use—chapel, off-site use only.
Virginia
Buildings
Bldg. T3003
Property Number 2196440446
Fed Reg Date: 09/06/96
Fort Picket
W. 33rd Street
Blackstone, VA, Co: Nottoway, Zip: 23824-
Status: Underutilized
Comment: 1750 sq. ft., 1 story wood frame,
most recent use—confinement facility,
need repairs.
Bldg. T2800
Property Number 219440447
Fed Reg Date: 09/06/96
Fort Picket
Off Armistead Road
Blackstone, VA, Co: Nottoway, Zip: 23824-
Status: Underutilized
Comment: 2056 sq. ft., 1 story wood frame,
most recent use—clinic, need repairs.
Bldg. T2857
Property Number 219440448
Fed Reg Date: 09/06/96
Fort Picket
Off Armistead Road
Blackstone, VA, Co: Nottoway, Zip: 23824-
Status: Unutilized
Comment: 2987 sq. ft., 1 story wood frame,
most recent use—admin.
Bldg. TT0104
Property Number 219520217
Fed Reg Date: 09/06/96
Fort A.P. Hill
Bowling Green, VA, Co: Caroline, Zip:
22427-5000

- Status: Unutilized
 Comment: 1464 sq. ft., 1-story, most recent use—training, needs rehab, off-site use only.
 Bldg. TT0105
 Property Number 219520218
 Fed Reg Date: 09/06/96
 Fort A.P. Hill
 Bowling Green, VA, Co: Caroline, Zip: 22427-5000
 Status: Unutilized
 Comment: 2273 sq. ft., 1-story, most recent use—storage, off-site use only.
 Bldg. T00103
 Property Number 219610789
 Fed Reg Date: 09/06/96
 Fort A. P. Hill
 Bowling Green, VA, Co: Caroline, Zip: 22427-5000
 Status: Unutilized
 Comment: 430 sq. ft., presence of asbestos, most recent use—barber shop, off-site use only.
 Bldg. 602, Fort Eustis
 Property Number 219620729
 Fed Reg Date: 09/06/96
 Ft. Eustis, VA, Zip: 23604-
 Status: Unutilized
 Comment: 2368 sq. ft., 1-story brick, most recent use—storage, presence of asbestos, off-site use only.
 Bldg. T-99
 Property Number 219620732
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 7410 sq. ft. most recent use—storage, off-site use only.
 Bldg. T-193
 Property Number 219620733
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 2415 sq. ft., most recent use—training, off-site use only.
 Bldg. T-194
 Property Number 219620734
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1950 sq. ft., most recent use—office, off-site use only.
 Bldg. T-195
 Property Number 219620735
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1830 sq. ft., most recent use—office, off-site use only.
 Bldg. T-196
 Property Number 219627036
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1500 sq. ft., most recent use—office/storage, off-site use only.
 Bldg. T-248
 Property Number 219627037
 Fed Reg Date: 09/06/96
- Fort Monroe
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1894 sq. ft., most recent use—office, off-site use only.
 Bldg. T-249
 Property Number: 219620738
 Fed Reg Date: 09/06/96
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1909 sq. ft., most recent use—office, off-site use only.
 Bldg. T-259
 Property Number: 219620739
 Fed Reg Date: 09/06/96
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1983 sq. ft., most recent use—office, off-site use only.
 Bldg. 162, Fort Monroe
 Property Number: 219640247
 Fed Reg Date: 12/20/96
 Ft. Monroe, VA, Zip: 23651-
 Status: Unutilized
 Comment: 1300 sq. ft., needs repair, presence of lead paint, most recent use—admin., off-site use only
- Washington*
 Buildings
 13 Bldgs., Fort Lewis
 Property Number: 219630199
 Fed Reg Date: 11/08/96
 A0402, C0723, C0726, C0727, C0902, C0903, C0906, C0907, C0922, C0923, C0926, C0927, C1250
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only.
 7 Bldgs., Fort Lewis
 Property Number: 219630200
 Fed Reg Date: 11/08/96
 A0438, A0439, C0901, C0910, C0911, C0918, C0919
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only.
 Bldg. A0608, Fort Lewis
 Property Number: 219630201
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 2285 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—dining, off-site use only.
 6 Bldgs., Fort Lewis
 Property Number: 219630204
 Fed Reg Date: 11/08/96
 C0908, C0728, C0921, C0928, C1008, C1108
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only.
 Bldg. C0909, Fort Lewis
 Property Number: 219630205
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
- Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
 Bldg. C0920, Fort Lewis
 Property Number: 219630206
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
 Bldg. C1249, Fort Lewis
 Property Number: 219630207
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
 Bldg. C1322a, Fort Lewis
 Property Number: 219630208
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 1843 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only.
 Bldg. C1322b, Fort Lewis
 Property Number: 219630209
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 2284 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
 Bldg. 1164, Fort Lewis
 Property Number: 219630213
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only.
 Bldg. 1228, Fort Lewis
 Property Number: 219630215
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 10413 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.
 Bldg. 1307, Fort Lewis
 Property Number: 219630216
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
 Bldg. 1309, Fort Lewis
 Property Number: 219630217
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only.
 Bldg. 2167, Fort Lewis
 Property Number: 219630218
 Fed Reg Date: 11/08/96
 Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
 Status: Unutilized
 Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 4078, Fort Lewis
Property Number: 219630219
Fed Reg Date: 11/08/96
Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Bldg. 9599, Fort Lewis
Property Number: 219630220
Fed Reg Date: 11/08/96
Ft. Lewis, WA, Co: Pierce, Zip: 98433-9500
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only.

Wisconsin

Buildings

Bldg. 7174, Fort McCoy
Property Number: 219320372
Fed Reg Date: 09/06/96
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Underutilized
Comment: 8466 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse.

Bldg. 7176, Fort McCoy
Property Number: 219320373
Fed Reg Date: 09/06/96
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Underutilized
Comment: 5415 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse.

Bldg. 7261, Fort McCoy
Property Number: 219320374
Fed Reg Date: 09/06/96
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 4800 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse.

Bldg. 2321
Property Number: 219430225
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 682 sq. ft., 1-story, needs rehab, most recent use—heat plant.

Bldg. 2673
Property Number: 219430226
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 13515 sq. ft., 1-story, needs rehab, most recent use—theater.

Bldg. 2110
Property Number: 219430232
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 18270 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2320
Property Number: 219430233
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 33345 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2763
Property Number: 219430236
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 3250 sq. ft., 1-story, needs rehab, most recent use—admin.

Bldg. 2755
Property Number: 219430239
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 168 sq. ft., 1-story, needs rehab, most recent use—dispatch bldg.

Bldg. 850
Property Number: 219430243
Fed Reg Date: 09/06/96
Fort McCoy
Ft. McCoy, WI, Co: Monroe, Zip: 54656-
Status: Unutilized
Comment: 2350 sq. ft., 1-story, needs rehab, most recent use—dining facility.

Bldg. 240, Fort McCoy
Property Number: 219520219
Fed Reg Date: 09/06/96
Ft. McCoy, WI, Co: Monroe, Zip: 54656-5162
Status: Underutilized
Comment: 1750 sq. ft., 1-story, needs rehab, most recent use—admin.

U.S. Army Reserve Center
Property Number: 219620740
Fed Reg Date: 09/06/96
2310 Center Street
Racine, WI, Co: Racine, Zip: 53403-3330
Status: Unutilized
Comment: 3 bldgs. (14,137 sq. ft.) on 3 acres, needs repair, most recent use—office/storage/training.

COE

Arkansas

Land

Parcel 01
Property Number: 319010071
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 77.6 acres

Parcel 02
Property Number: 319010072
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 198.5 acres

Parcel 03
Property Number: 319010073
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 18
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized

Comment: 50.46 acres
Parcel 04
Property Number: 319010074
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 24, 25, 30 and 31
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 236.37 acres

Parcel 05
Property Number: 319010075
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 16
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 187.30 acres

Parcel 06
Property Number: 319010076
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 13.0 acres

Parcel 07
Property Number: 319010077
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 34
Arkadelphia, AR, Co: Hot Spring, Zip: 71923-9361
Status: Unutilized
Comment: 0.27 acres

Parcel 08
Property Number: 319010078
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 13
Arkadelphia, AR, Co: Clark, Zip: 71923-9361
Status: Unutilized
Comment: 14.6 acres

Parcel 09
Property Number: 319010079
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923-9361
Status: Unutilized
Comment: 6.60 acres

Parcel 10
Property Number: 319010080
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 12
Arkadelphia, AR, Co: Hot Spring, Zip: 71923-9361
Status: Unutilized
Comment: 4.5 acres

Parcel 11
Property Number: 319010081
Fed Reg Date: 12/25/96
Project Name: DeGray Lake
DeGray Lake
Section 19
Arkadelphia, AR, Co: Hot Spring, Zip: 71923-9361

Status: Unutilized
 Comment: 19.50 acres
 Lake Greeson
 Property Number: 319010083
 Fed Reg Date: 12/25/96
 Project Name: Lake Greeson
 Section 7, 8 and 18
 Murfreesboro, AR, Co: Pike, Zip: 71958-9720
 Status: Unutilized
 Comment: 46 acres

California

Land

Lake Mendocino
 Property Number: 319011015
 Fed Reg Date: 12/25/96
 Project Name: Lake Mendocino
 1160 Lake Mendocino Drive
 Ukiah, CA, Co: Mendocino, Zip: 75482-9404
 Status: Unutilized
 Comment: 20 acres; steep, dense brush; potential utilities.

District of Columbia

Buildings

Dalecarlia Reservoir
 Property Number: 319610004
 Fed Reg Date: 12/25/96
 Bldgs. 5900, 5902, 5904, 5906, 5908, 5910
 Washington Aqueduct
 Washington, DC, Zip: 20016-
 Status: Excess
 Comment: brick/frame residences in poor condition w/2 floors and basement, presence of asbestos, on National Historic Register, off-site use only

Iowa

Buildings

Bldg.—Bridgeview
 Property Number: 319340003
 Fed Reg Date: 12/25/96
 Rathbun Lake Project, R.R. Number 3
 Centerville, IA, Co: Appanoose, Zip: 52544-
 Status: Unutilized
 Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Island View
 Property Number: 319340004
 Fed Reg Date: 12/25/96
 Rathbun Lake Project, R.R. Number 3
 Centerville, IA, Co: Appanoose, Zip: 52544-
 Status: Unutilized
 Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Bldg.—Rolling Cove
 Property Number: 319340005
 Fed Reg Date: 12/25/96
 Rathbun Lake Project, R.R. Number 3
 Centerville, IA, Co: Appanoose, Zip: 52544-
 Status: Unutilized
 Comment: 416 sq. ft., 1-story, most recent use—storage, needs major rehab, off-site use only.

Tract 141
 Property Number: 319610005
 Fed Reg Date: 12/25/96
 Melos, Stanley, Camp Dodge
 Johnston, IA, Co: Polk, Zip: 50131-
 Status: Excess
 Comment: 1104 sq. ft., most recent use—storage, needs rehab, possible asbestos, off-site use only

Idaho

Buildings

Bldg. 177
 Property Number: 319630004
 Fed Reg Date: 12/25/96
 Albeni Falls Dam
 Vista Area
 ID, Co: Bonner, Zip:
 Status: Excess
 Comment: 1400 sq. ft., wood frame, concrete slab, presence of lead based paint, off-site use only

Kansas

Land

Parcel 1
 Property Number: 319010064
 Fed Reg Date: 12/25/96
 Project Name: El Dorado Lake
 El Dorado Lake
 Section 13, 24, and 18 (See County), KS, Co:
 Butler, Zip:
 Status: Unutilized
 Comment: 61 acres; most recent use—recreation.

Buildings

Trailer—Clinton Lake
 Property Number: 319410003
 Fed Reg Date: 12/25/96
 Rt. 5, Box 109B
 Lawrence, KS, Co: Doublas, Zip: 66046-
 Status: Excess
 Comment: double-wide trailer (24x50), most recent use—residence, needs repair, off-site use only.

Washhouse/shower

Property Number: 319620002
 Fed Reg Date: 12/25/96
 Pomona Lake
 Vassar, KS, Co: Osage, Zip: 66543-
 Status: Excess
 Comment: 1274 sq. ft. metal bldg., most recent use—storage, needs repair, off-site use only.

Water Treatment Bldg.

Property Number: 319620003
 Fed Reg Date: 12/25/96
 Pomona Lake
 Vassar, KS, Co: Osage, Zip: 66543-
 Status: Excess
 Comment: 720 sq. ft. bldg., needs repair, off-site use only

Kentucky

Land

Tract 2625
 Property Number: 319010025
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky, and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: Adjoining the village of Rockcastle.
 Status: Excess
 Comment: 2.57 acres; rolling and wooded.

Tract 2709-10 and 2710-2

Property Number: 319010026
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: 2 1/2 miles in a southerly direction from the village of Rockcastle.
 Status: Excess
 Comment: 2.00 acres; steep and wooded.

Tract 2708-1 and 2709-1

Property Number: 319010027
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: 2 1/2 miles in a southerly direction from the village of Rockcastle.
 Status: Excess
 Comment: 3.59 acres; rolling and wooded; no utilities.

Tract 2800

Property Number: 319010028
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: 4 1/2 miles in a southeasterly direction from the village of Rockcastle.
 Status: Excess
 Comment: 5.44 acres; steep and wooded.

Tract 2915

Property Number: 319010029
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: 6 1/2 miles west of Cadiz.
 Status: Excess
 Comment: 5.76 acres; steep and wooded; no utilities.

Tract 2702

Property Number: 319010031
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Cadiz, KY, Co: Trigg, Zip: 42211-
 Location: 1 mile in a southerly direction from the village of Rockcastle.
 Status: Excess
 Comment: 4.90 acres; wooded; no utilities.

Tract 4318

Property Number: 319010032
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Canton, KY, Co: Trigg, Zip: 42212-
 Location: Trigg Co. adjoining the city of Canton, KY, on the waters of Hopson Creek.
 Status: Excess
 Comment: 8.24 acres; steep and wooded.

Tract 4502

Property Number: 319010033
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Canton, KY, Co: Trigg, Zip: 42212-
 Location: 3 1/2 miles in a southerly direction from Canton, KY.
 Status: Excess
 Comment: 4.26 acres; steep and wooded.

Tract 4611

Property Number: 319010034
 Fed Reg Date: 12/25/96
 Project Name: Barkley Lake
 Barkley Lake, Kentucky and Tennessee
 Canton, KY, Co: Trigg, Zip: 42212-
 Location: 5 miles south of Canton, KY.
 Status: Excess
 Comment: 10.51 acres; steep and wooded; no utilities.

Tract 4619

Property Number: 319010035
 Fed Reg Date: 12/25/96

Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212-
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 2.02 acres; steep and wooded; no
utilities.

Tract 4817

Property Number: 319010036
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212-
Location: 6½ miles south of Canton, KY.
Status: Excess
Comment: 1.75 acres; wooded.

Tract 1217

Property Number: 319010042
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: On the north side of the Illinois
Central Railroad.
Status: Excess
Comment: 5.80 acres; steep and wooded.

Tract 1906

Property Number: 319010044
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: Approximately 4 miles east of
Eddyville, KY.
Status: Excess
Comment: 25.86 acres; rolling steep and
partially wooded; no utilities.

Tract 1907

Property Number: 319010045
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42038-
Location: On the waters of Pilfen Creek, 4
miles east of Eddyville, KY.
Status: Excess
Comment: 8.71 acres; rolling steep and
wooded; no utilities.

Tract 2001 #1

Property Number: 319010046
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: Approximately 4½ miles east of
Eddyville, KY.
Status: Excess
Comment: 47.42 acres; steep and wooded; no
utilities.

Tract 2001 #2

Property Number: 319010047
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: Approximately 4½ miles east of
Eddyville, KY.
Status: Excess
Comment: 8.64 acres; steep and wooded; no
utilities.

Tract 2005

Property Number: 319010048
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee

Eddyville, KY, Co: Lyon, Zip: 42030-
Location: Approximately 5½ miles east of
Eddyville, KY.
Status: Excess
Comment: 4.62 acres; steep and wooded; no
utilities.

Tract 2307

Property Number: 319010049
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: Approximately 7½ miles
southeasterly of Eddyville, KY.
Status: Excess
Comment: 11.43 acres; steep; rolling and
wooded; no utilities.

Tract 2403

Property Number: 319010050
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: 7 miles southeasterly of Eddyville,
KY.
Status: Excess
Comment: 1.56 acres; steep and wooded; no
utilities.

Tract 2504

Property Number: 319010051
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: 9 miles southeasterly of Eddyville,
KY.
Status: Excess
Comment: 24.46 acres; steep and wooded; no
utilities.

Tract 214

Property Number: 319010052
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045-
Location: South of the Illinois Central
Railroad, 1 mile east of the Cumberland
River.
Status: Excess
Comment: 5.5 acres; wooded; no utilities.

Tract 215

Property Number: 319010053
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045-
Location: 5 miles southeast of Kuttawa
Status: Excess
Comment: 1.40 acres; wooded; no utilities.

Tract 241

Property Number: 319010054
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045-
Location: Old Henson Ferry Road, 6 miles
west of Kuttawa, KY.
Status: Excess
Comment: 1.26 acres; steep and wooded; no
utilities.

Tracts 306, 311, 315 and 325

Property Number: 319010055
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee

Grand Rivers, KY, Co: Lyon, Zip: 42045-
Location: 2.5 miles southwest of Kuttawa,
KY, on the waters of Cypress Creek.
Status: Excess
Comment: 38.77 acres; steep and wooded; no
utilities.

Tracts 2305, 2306, and 2400-1 Property
#319010056

Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Eddyville, KY, Co: Lyon, Zip: 42030-
Location: 6½ miles southeasterly of
Eddyville, KY.
Status: Excess
Comment: 97.66 acres; steep rolling and
wooded; no utilities.

Tract 500-2

Property Number: 319010057
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Kuttawa, KY, Co: Lyon, Zip: 42055-
Location: Situated on the waters of Poplar
Creek, approximately 1 mile southwest of
Kuttawa, KY.
Status: Excess
Comment: 3.58 acres; hillside ridgeland and
wooded; no utilities.

Tracts 5203 and 5204

Property Number: 319010058
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212-
Location: Village of Linton, KY state highway
1254.
Status: Excess
Comment: 0.93 acres; rolling, partially
wooded; no utilities.

Tract 5240

Property Number: 319010059
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Linton, KY, Co: Trigg, Zip: 42212-
Location: 1 mile northwest of Linton, KY.
Status: Excess
Comment: 2.26 acres; steep and wooded; no
utilities.

Tract 4628

Property Number: 319011621
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212-
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 3.71 acres; steep and wooded;
subject to utility easements.

Tract 4619-B

Property Number: 319011622
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Canton, KY, Co: Trigg, Zip: 42212-
Location: 4½ miles south from Canton, KY.
Status: Excess
Comment: 1.73 acres; steep and wooded;
subject to utility easements.

Tract 2403-B

Property Number: 319011623
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee

Eddyville, KY, Co: Lyon, Zip: 42038–
Location: 7 miles southeasterly from
Eddyville, KY.
Status: Unutilized
Comment: 0.70 acres; wooded; subject to
utility easements.

Tract 241–B
Property Number: 319011624
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: South of Old Henson Ferry Road,
6 miles west of Kuttawa, KY.
Status: Excess
Comment: 11.16 acres; steep and wooded;
subject to utility easements.

Tracts 212 and 237
Property Number: 319011625
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: Old Henson Ferry Road, 6 miles
west of Kuttawa, KY.
Status: Excess
Comment: 2.44 acres; steep and wooded;
subject to utility easements.

Tract 215–B
Property Number: 319011626
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to
utility easements.

Tract 233
Property Number: 319011627
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake, Kentucky and Tennessee
Grand Rivers, KY, Co: Lyon, Zip: 42045–
Location: 5 miles southwest of Kuttawa
Status: Excess
Comment: 1.00 acres; wooded; subject to
utility easements.

Tract B—Markland Locks & Dam
Property Number: 319130002
Fed Reg Date: 12/25/96
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 10 acres; most recent use—
recreational, possible periodic flooding

Tract A—Markland Locks & Dam
Property Number: 319130003
Fed Reg Date: 12/25/96
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 8 acres; most recent use—
recreational, possible periodic flooding

Tract C—Markland Locks & Dam
Property Number: 319130005
Fed Reg Date: 12/25/96
Hwy 42, 3.5 miles downstream of Warsaw
Warsaw, KY, Co: Gallatin, Zip: 41095–
Status: Unutilized
Comment: 4 acres; most recent use—
recreational, possible periodic flooding

Tract N–819
Property Number: 319140009

Fed Reg Date: 12/25/96
Dale Hollow Lake & Dam Project
Illwill Creek, Hwy 90
Hobart, KY, Co: Clinton, Zip: 42601–
Status: Underutilized
Comment: 91 acres; most recent use—
hunting, subject to existing easements

Portion of Lock & Dam No. 1
Property Number: 319320003
Fed Reg Date: 12/25/96
Kentucky River
Carrolton, KY, Co: Carroll, Zip: 41008–0305
Status: Unutilized
Comment: approx. 3.5 acres (sloping), access
monitored

Portion of Lock & Dam No. 2
Property Number: 319320004
Fed Reg Date: 12/25/96
Kentucky River
Lockport, KY, Co: Henry, Zip: 40036–9999
Status: Underutilized
Comment: approx. 13.14 acres (sloping),
access monitored

Buildings
Green River Lock & Dam #3
Property Number: 319010022
Fed Reg Date: 12/25/96
Project Name: Green River Lock & Dam #3
Rochester, KY, Co: Butler, Zip: 42273–
Location: SR 70 west from Morgantown, KY.,
approximately 7 miles to site.
Status: Unutilized
Comment: 980 sq. ft.; 2 story wood frame;
two story residence; potential utilities;
needs major rehab.

Kentucky River Lock and Dam 3
Property Number: 319010060
Fed Reg Date: 12/25/96
Project Name: Kentucky River Lock and Dam
3
Pleasureville, KY, Co: Henry, Zip: 40057–
Location: SR 421 North from Frankfort, KY.
to highway 561, right on 561
approximately 3 miles to site.
Status: Unutilized
Comment: 897 sq. ft.; 2 story wood frame;
structural deficiencies.

Bldg. 1
Property Number: 319011628
Fed Reg Date: 12/25/96
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip 41008–
Location: Take I–71 to Carrolton, KY exit, go
east on SR #227 to Highway 320, then left
for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame
house; subject to periodic flooding; needs
rehab.

Bldg. 2
Property Number: 319011629
Fed Reg Date: 12/25/96
Project Name: Kentucky River Lock and Dam
Kentucky River Lock and Dam
Carrolton, KY, Co: Carroll, Zip 41008–
Location: Take I–71 to Carrolton, KY exit, go
east on SR #227 to Highway 320, then left
for about 1.5 miles to site.
Status: Unutilized
Comment: 1530 sq. ft.; 2 story wood frame
house; subject to periodic flooding; needs
rehab.

Utility Bldg Nolin River Lake

Property Number: 319320002
Fed Reg Date: 12/25/96
Moutardier Recreation Site
KY, Co: Edmonson, Zip:
Status: Unutilized
Comment: 541 sq. ft., concrete block, off-site
use only.

Louisiana

Land
Wallace Lake Dam and Reservoir
Property Number: 319011009
Fed Reg Date: 12/25/96
Project Name: Wallace Lake Dam and
Reservoir
Shreveport, LA, Co: Caddo, Zip: 71103–
Status: Unutilized
Comment: 11 acres; wildlife/forestry; no
utilities.
Bayou Bodcau Dam and Reservoir
Property Number: 319011010
Fed Reg Date: 12/25/96
Project Name: Bayou Bodcau Dam and
Reservoir
Haughton, LA, Co: Caddo, Zip: 71037–9707
Location: 35 miles Northeast of Shreveport,
La.
Status: Unutilized
Comment: 203 acres; wildlife/forestry; no
utilities.

Minnesota

Land
Parcel D
Property Number: 319011038
Fed Reg Date: 12/25/96
Project Name: Pine River
Pine River
Cross Lake, MN, Co: Crow Wing, Zip: 56442–
Location: 3 miles from city of Cross Lake,
between highways 6 and 371.
Status: Excess
Comment: 17 acres; no utilities.
Tract 92
Property Number: 319011040
Fed Reg Date: 12/25/96
Project Name: Sandy Lake
Sandy Lake
McGregor, MN, Co: Aitkins, Zip: 55760–
Location: 4 miles west of highways 65, 15
miles from city of McGregor.
Status: Excess
Comment: 4 acres; no utilities.
Tract 98
Property Number: 319011041
Fed Reg Date: 12/25/96
Project Name: Leech Lake
Leech Lake
Benedict, MN, Co: Hubbard, Zip: 56641–
Location: 1 mile from city of Federal Dam,
Mn.
Status: Excess
Comment: 7.3 acres; no utilities.

Missouri

Land
Harry S Truman Dam & Reservoir
Property Number: 319030014
Fed Reg Date: 12/25/96
Project Name: Harry S Truman Dam &
Reservoir
Warsaw, MO, Co: Benton, Zip: 65355–
Location: Triangular shaped parcel southwest
of access road "B", part of Bledsoe Ferry
Park Tract 150.

Status: Underutilized
 Comment: 1.7 acres; potential utilities.
 Buildings
 Bldg. A
 Property Number: 319620004
 Fed Reg Date: 12/25/96
 Harry S. Truman Project
 Warsaw, MO, Co: Benton, Zip: 65355-
 Status: Excess
 Comment: 1440 sq. ft. residence, off-site use only.
 Bldg. B
 Property Number: 319620005
 Fed Reg Date: 12/25/96
 Harry S. Truman Project
 Warsaw, MO, Co: Benton, Zip: 65355-
 Status: Excess
 Comment: 1440 sq. ft. residence, off-site use only.

Mississippi

Land

Parcel 7

Property Number: 319011019
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 22, 23, T24N
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 100 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 8

Property Number: 319011020
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 20, T24N
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 30 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 9

Property Number: 319011021
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 20, T24N, R7E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 23 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 10

Property Number: 319011022
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 16, 17 18 T24N R8E
 Grenada, MS, Co: Calhoun, Zip: 38901-0903
 Status: Underutilized
 Comment: 490 acres; no utilities; intermittently used under lease—expires 1994.

Parcel 2

Property Number: 319011023
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake

Sections 20 and T23N, R5E
 Grenada, MS, Co: Grenada, Zip: 38901-0903
 Status: Underutilized
 Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 3

Property Number: 319011024
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 4, T23N, R5E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 120 acres; no utilities; most recent use—wildlife and forestry management; (13.5 acres/agriculture lease).

Parcel 4

Property Number: 319011025
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 2 and 3, T23N, R5E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 60 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 5

Property Number: 319011026
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 7, T24N, R6E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 20 acres; no utilities; most recent use—wildlife and forestry management; (14 acres/agriculture lease).

Parcel 6

Property Number: 319011027
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 9, T24N, R6E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 80 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 11

Property Number: 319011028
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 20, T24N, R8E
 Grenada, MS, Co: Calhoun, Zip: 38901-0903
 Status: Underutilized
 Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 12

Property Number: 319011029
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 25, T24N, R7E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 30 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 13

Property Number: 319011030
 Fed Reg Date: 12/25/96

Project Name: Grenada Lake
 Grenada Lake
 Sections 34, T24N, R7E
 Grenada, MS, Co: Yalobusha, Zip: 38903-0903
 Status: Underutilized
 Comment: 35 acres; no utilities; most recent use—wildlife and forestry management; (11 acres/agriculture lease).

Parcel 14

Property Number: 319011031
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Sections 3, T23N, R6E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 15 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 15

Property Number: 319011032
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 4, T24N, R6E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 40 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 16

Property Number: 319011033
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 9, T23N, R6E
 Grenada, MS, Co: Yalobusha, Zip: 38901-0903
 Status: Underutilized
 Comment: 70 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 17

Property Number: 319011034
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 17, T23N, R7E
 Grenada, MS, Co: Grenada, Zip: 28901-0903
 Status: Underutilized
 Comment: 35 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 18

Property Number: 319011035
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 22, T23N, R7E
 Grenada, MS, Co: Grenada, Zip: 28902-0903
 Status: Underutilized
 Comment: 10 acres; no utilities; most recent use—wildlife and forestry management.

Parcel 19

Property Number: 319011036
 Fed Reg Date: 12/25/96
 Project Name: Grenada Lake
 Grenada Lake
 Section 9, T22N, R7E
 Grenada, MS, Co: Grenada, Zip: 38901-0903
 Status: Underutilized
 Comment: 20 acres; no utilities; most recent use—wildlife and forestry management.

Ohio

Land

Hannibal Locks and Dam

Property Number: 319010015

Fed Reg Date: 12/25/96

Project Name: Hannibal Locks and Dam

Ohio River

P.O. Box 8

Hannibal, OH, Co: Monroe, Zip: 43931-0008

Location: Adjacent to the new Martinsville Bridge.

Status: Underutilized

Comment: 22 acres; river bank

Buildings

Barker Historic House

Property Number: 319120018

Fed Reg Date: 12/25/96

Willow Island Locks and Dam

Newport, OH, Co: Washington, Zip: 45768-9801

Location: Located at lock site, downstream of lock and dam structure

Status: Unutilized

Comment: 1600 sq. ft. bldg. within 1/2 acre of land, 2 story brick frame, needs rehab, on Natl Register of Historic Places, no utilities, off-site use only

Oklahoma

Land

Pine Creek Lake

Property Number: 319010923

Fed Reg Date: 12/25/96

Project Name: Pine Creek Lake

Section 27

(See County), OK, Co: McCurtain, Zip:

Status: Unutilized

Comment: 3 acres; no utilities; subject to right of way for Oklahoma State Highway 3.

Buildings

Water Treatment Plant

Property Number: 319630001

Fed Reg Date: 12/25/96

Belle Starr, Eufaula Lake

Eufaula, OK, Co: McIntosh, Zip: 74432-

Status: Excess

Comment: 16'x16', metal, off-site use only.

Water Treatment Plant

Property Number: 319630002

Fed Reg Date: 12/25/96

Gentry Creek, Eufaula Lake

Eufaula, OK, Co: McIntosh, Zip: 74432-

Status: Excess

Comment: 12'x16', metal, off-site use only

Pennsylvania

Land

Mahoning Creek Lake

Property Number: 319010018

Fed Reg Date: 12/25/96

Project Name: Mahoning Creek Lake

New Bethlehem, PA, Co: Armstrong, Zip: 16242-9603

Location: Route 28 north to Belknap, Road #4

Status: Excess

Comment: 2.58 acres; steep and densely wooded.

Tracts 610, 611, 612

Property Number: 319011001

Fed Reg Date: 12/25/96

Project Name: Shenango River Lake

Shenango River Lake

Sharpsville, PA, Co: Mercer, Zip: 16150-

Location: I-79 North, I-80 West, Exit Sharon.

R18 North 4 miles, left on R518, right on Mercer Avenue.

Status: Excess

Comment: 24.09 acres; subject to flowage easement

Tracts L24, L26

Property Number: 319011011

Fed Reg Date: 12/25/96

Project Name: Crooked Creek Lake

Crooked Creek Lake

PA, Co: Armstrong, Zip: 03051-

Location: Left bank—55 miles downstream of dam.

Status: Unutilized

Comment: 7.59 acres; potential for utilities.

Portion of Tract L21A

Property Number: 319430012

Fed Reg Date: 12/25/96

Crooked Creek Lake, LR 03051

Ford City, PA, Co: Armstrong, Zip: 16226-

Status: Unutilized

Comment: Approximately 1.72 acres of undeveloped land, subject to gas rights.

Buildings

Mahoning Creek Reservoir

Property Number: 319210008

Fed Reg Date: 12/25/96

New Bethlehem, PA, Co: Armstrong, Zip: 16242-

Status: Unutilized

Comment: 1015 sq. ft., 2 story brick residence, off-site use only.

One Unit/Residence

Property Number: 319430011

Fed Reg Date: 12/25/96

Conemagh River Lake, RD #1, Box 702

Saltburg, PA, Co: Indiana, Zip: 15681-

Status: Unutilized

Comment: 2642 sq. ft., 1-story, 1-unit of duplex, fair condition, access restrictions.

Dwelling

Property Number: 319620008

Fed Reg Date: 12/25/96

Lock & Dam, 6 Allegheny River, 1260 River Rd.

Freeport, PA, Co: Armstrong, Zip: 16229-2023

Status: Unutilized

Comment: 2652 sq. ft., 3-story brick house, in close proximity to Lock and Dam, available for interim use for nonresidential purposes.

South Carolina

Buildings

Bldg. 5

Property Number: 319011548

Fed Reg Date: 12/25/96

Project name: J.S. Thurmond Dam & Reservoir

J.S. Thurmond Dam and Reservoir

Clarks Hill, SC, Co: McCormick, Zip:

Location: 1/2 mile east of Resource Managers Office.

Status: Excess

Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage, off-site removal only.

Tennessee

Land

Tract 6827

Property Number: 319010927

Fed Reg Date: 12/25/96

Project Name: Barkley Lake

Barkley Lake

Dover, TN, Co: Stewart, Zip: 37058-

Location: 2 1/2 miles west of Dover, TN.

Status: Excess

Comment: .57 acres; subject to existing easements.

Tract 6002-2 and 6010

Property Number: 319010928

Fed Reg Date: 12/25/96

Project Name: Barkley Lake

Barkley Lake

Dover, TN, Co: Stewart, Zip: 37058-

Location: 3 1/2 miles south of village of Tabaccoport.

Status: Excess

Comment: 100.86 acres; subject to existing easements.

Tract 11516

Property Number: 319010929

Fed Reg Date: 12/25/96

Project Name: Barkley Lake

Barkley Lake

Ashland City, TN, Co: Dickson, Zip: 37015-

Location: 1/2 mile downstream from Cheatham Dam

Status: Excess

Comment: 26.25 acres; subject to existing easements.

Tract 2319

Property Number: 319010930

Fed Reg Date: 12/25/96

Project Name: J. Percy Priest Dam

J. Percy Priest Dam and Reservoir

Murfreesboro, TN, Co: Rutherford, Zip: 37130-

Location: West of Buckeye Bottom Road

Status: Excess

Comment: 14.48 acres; subject to existing easements.

Tract 2227

Property Number: 319010931

Fed Reg Date: 12/25/96

Project Name: J. Percy Priest Dam

J. Percy Priest Dam and Reservoir

Murfreesboro, TN, Co: Rutherford, Zip: 37130-

Location: Old Jefferson Pike

Status: Excess

Comment: 2.27 acres; subject to existing easements.

Tract 2107

Property Number: 319010932

Fed Reg Date: 12/25/96

Project Name: J. Percy Priest Dam

J. Percy Priest Dam and Reservoir

Murfreesboro, TN, Co: Rutherford, Zip: 37130-

Location: Across Fall Creek near Fall Creek camping area.

Status: Excess

Comment: 14.85 acres; subject to existing easements.

Tracts 2601, 2602, 2603, 2604

Property Number: 319010933

Fed Reg Date: 12/25/96

Project Name: Cordell Hull Lake & Dam Pro.

Cordell Hull Lake and Dam Project

Doe Row Creek

Gainesboro, TN, Co: Jackson, Zip: 38562-

Location: TN Highway 56

Status: Unutilized

Comment: 11 acres; subject to existing easements.

- Tract 1911
Property Number: 319010934
Fed Reg Date: 12/25/96
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip:
37130-
Location: East of Lamar Road
Status: Excess
Comment: 15.31 acres; subject to existing easements.
- Tract 2321
Property Number: 319010935
Fed Reg Date: 12/25/96
Project Name: J. Percy Priest Dam
J. Percy Priest Dam and Reservoir
Murfreesboro, TN, Co: Rutherford, Zip:
37130-
Location: South of Old Jefferson Pike
Status: Excess
Comment: 12 acres; subject to existing easements.
- Tract 7206
Property Number: 319010936
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058-
Location: 2½ miles SE of Dover, TN.
Status: Excess
Comment: 10.15 acres; subject to existing easements.
- Tracts 8813, 8814
Property Number: 319010937
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Cumberland, TN, Co: Stewart, Zip: 37050-
Location: 1½ miles East of Cumberland City.
Status: Excess
Comment: 96 acres; subject to existing easements.
- Tract 8911
Property Number: 319010938
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Cumberland City, TN, Co: Montgomery, Zip:
37050-
Location: 4 miles east of Cumberland City.
Status: Excess
Comment: 7.7 acres; subject to existing easements.
- Tract 11503
Property Number: 319010939
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip:
37015-
Location: 2 miles downstream from
Cheatham Dam.
Status: Excess
Comment: 1.1 acres; subject to existing easements.
- Tracts 11523, 11524
Property Number: 319010940
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Ashland City, TN, Co: Cheatham, Zip:
37015-
Location: 2½ miles downstream from
Cheatham Dam.
Status: Excess
- Comment: 19.5 acres; subject to existing easements.
- Tract 6410
Property Number: 319010941
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Bumpus Mills, TN, Co: Stewart, Zip: 37028-
Location: 4½ miles SW. of Bumpus Mills.
Status: Excess
Comment: 17 acres; subject to existing easements.
- Tract 9707
Property Number: 319010943
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Palmyer, TN, Co: Montgomery, Zip: 37142-
Location: 3 miles NE of Palmyer, TN.
Highway 149
Status: Excess
Comment: 6.6 acres; subject to existing easements.
- Tract 6949
Property Number: 319010944
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058-
Location: 1½ miles SE of Dover, TN.
Status: Excess
Comment: 29.67 acres; subject to existing easements.
- Tracts 6005 and 6017
Property Number: 319011173
Fed Reg Date: 12/25/96
Project Name: Barkley Lake
Barkley Lake
Dover, TN, Co: Stewart, Zip: 37058-
Location: 3 miles south of Village of
Tobaccoport.
Status: Excess
Comment: 5 acres; subject to existing easements.
- Tracts K-1191, K-1135
Property Number: 319130007
Fed Reg Date: 12/25/96
Old Hickory Lock and Dam
Hartsville, TN, Co: Trousdale, Zip: 37074-
Status: Underutilized
Comment: 92 acres (38 acres in floodway),
most recent use—recreation
- Tract A-102
Property Number: 319140006
Fed Reg Date: 12/25/96
Dale Hollow Lake & Dam Project
Canoe Ridge, State Hwy 52
Celina, TN, Co: Clay, Zip: 38551-
Status: Underutilized
Comment: 351 acres, most recent use—
hunting, subject to existing easements
- Tract A-120
Property Number: 319140007
Fed Reg Date: 12/25/96
Dale Hollow Lake & Dam Project
Swann Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551-
Status: Underutilized
Comment: 883 acres, most recent use—
hunting, subject to existing easements.
- Tracts A-20, A-21
Property Number: 319140008
Fed Reg Date: 12/25/96
Dale Hollow Lake & Dam Project
- Red Oak Ridge, State Hwy No. 53
Celina, TN, Co: Clay, Zip: 38551-
Status: Underutilized
Comment: 821 acres, most recent use—
recreation, subject to existing easements.
- Tract D-185
Property Number: 319140010
Fed Reg Date: 12/25/96
Dale Hollow Lake & Dam Project
Ashburn Creek, Hwy No. 53
Livingston, TN, Co: Clay, Zip: 38570-
Status: Underutilized
Comment: 883 acres, most recent use—
hunting, subject to existing easements.
- Buildings
Cheatham Lock & Dam
Property Number: 319520003
Fed Reg Date: 12/25/96
Tract D. Lock Road
Nashville, TN, Co: Davidson, Zip: 37207-
Status: Unutilized
Comment: 1100 sq. ft. dwelling w/storage
bldgs on 7 acres, needs major rehab,
contamination issues, approx. 1 acre in
fldwy, modif. to struct. subj. to approval of
St. Hist. Presv. Ofc.
- Texas*
Land
Parcel #222
Property Number: 319010421
Fed Reg Date: 12/25/96
Project Name: Lake Texoma
Lake Texoma
TX, Co: Grayson, Zip:
Location: C. Meyerheim survey A-829 J.
Hamilton survey A-529
Status: Excess
Comment: 52.80 acres; most recent use—
recreation
- Virginia*
Buildings
Peters Ridge Site
Property Number: 319430013
Fed Reg Date: 12/25/96
Gathright Dam
Covington, VA, , Zip:
Status: Excess
Comment: 64 sq. ft., metal bldg.
Coles Mountain Site
Property Number: 319430015
Fed Reg Date: 12/25/96
Gathright Dam, Rt. 607
VA, Co: Bath, Zip:
Status: Excess
Comment: 64 sq. ft., 1-story metal bldg.
Metal Bldg.
Property Number: 319620009
Fed Reg Date: 12/25/96
John H. Kerr Dam & Reservoir
VA, Co: Boydton, Zip:
Status: Excess
Comment: 800 sq. ft., most recent use—
storage, off-site use only
- Wisconsin*
Buildings
Former Lockmaster's Dwelling
Property Number: 319011524
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Cedar Locks
4527 East Wisconsin Road

Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood
frame residence; needs rehab; secured area
with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011525
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Appleton 4th Lock
905 South Lowe Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 908 sq. ft.; 2 story wood frame
residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011527
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Kaukauna 1st Lock
301 Canal Street
Kaukauna, WI, Co: Outagamie, Zip: 54131–
Status: Unutilized
Comment: 1290 sq. ft.; 2 story wood frame
residence; needs rehab; secured area with
alternate access.

Former Lockmaster's Dwelling
Property Number: 319011531
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Appleton 1st Lock
905 South Oneida Street
Appleton, WI, Co: Outagamie, Zip: 54911–
Status: Unutilized
Comment: 1300 sq. ft.; potential utilities; 2
story wood frame residence; needs rehab;
secured area with alternate access.

Former Lockmaster's Dwelling
Property Number: 319011533
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Rapid Croche Lock
Lock Road
Wrightstown, WI, Co: Outagamie, Zip:
54180–
Location: 3 miles southwest of intersection
State Highway 96 and Canal Road.
Status: Unutilized
Comment: 1952 sq. ft.; 2 story wood frame
residence; potential utilities; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011535
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Little KauKauna Lock
Little KauKauna
Lawrence, WI, Co: Brown, Zip: 54130–
Location: 2 miles southeasterly from
intersection of Lost Dauphin Road (County
Trunk Highway "D") and River Street.
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood
frame residence; needs rehab.

Former Lockmaster's Dwelling
Property Number: 319011536
Fed Reg Date: 12/25/96
Project Name: Former Lockmaster's Dwelling
Little Chute, 2nd Lock
214 Mill Street
Little Chute, WI, Co: Outagamie, Zip: 54140–
Status: Unutilized
Comment: 1224 sq. ft.; 2 story brick/wood
frame residence; potential utilities; needs
rehab; secured area with alternate access.

West Virginia

Buildings
German Ridge Radio Transmitter
Property Number: 319610002
Fed Reg Date: 12/25/96
Huntington, WV, Co: Wayne, Zip: 25701–
Status: Unutilized
Comment: 187 sq. ft. cinder block bldg. on
.55 acre in remote area, most recent use—
radio equipment room.

DOT

North Carolina

Buildings
Dwelling 1
Property Number: 879120083
Fed Reg Date: 12/25/96
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence,
periodic flooding in garage and utility
room occurs in heavy rainfall
GSA No.: 4–U–NC–722.

Dwelling 2
Property Number: 879120084
Fed Reg Date: 12/25/96
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence,
periodic flooding in garage and utility
room occurs in heavy rainfall
GSA No.: 4–U–NC–722.

Dwelling 3
Property Number: 879120085
Fed Reg Date: 12/25/96
USCG Coinjock Housing
Coinjock, NC, Co: Currituck, Zip: 27923–
Status: Unutilized
Comment: one story wood residence,
periodic flooding in garage and utility
room occurs in heavy rainfall
GSA No.: 4–U–NC–722

Texas

Buildings
Bldg. 110
Property Number: 879630006
Fed Reg Date: 12/25/96
Fort Crockett/43rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 500 sq. ft., most recent use—
garage, historic properties.
Bldg. 109
Property Number: 879630007
Fed Reg Date: 12/25/96
Fort Crockett/43rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 2880 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.
Bldg. 428
Property Number: 879630009
Fed Reg Date: 12/25/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 2700 sq. ft., most recent use—
warehouse/office, historic properties.
Bldg. 433
Property Number: 879630010

Fed Reg Date: 12/13/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 439
Property Number: 879630011
Fed Reg Date: 12/13/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 440
Property Number: 879630012
Fed Reg Date: 12/13/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 441
Property Number: 879630013
Fed Reg Date: 12/13/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 442
Property Number: 879630014
Fed Reg Date: 12/13/96
Fort Crockett/53rd St. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1632 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 106
Property Number: 879630015
Fed Reg Date: 12/13/96
Fort Crockett/Seawall Blvd. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 2000 sq. ft., most recent use—
garage, historic properties.

Bldg. 105
Property Number: 879630016
Fed Reg Date: 12/13/96
Fort Crockett/Seawall Blvd. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 104
Property Number: 879630017
Fed Reg Date: 12/13/96
Fort Crockett/Seawall Blvd. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1634 sq. ft. per floor, most recent
use—residential historic properties.

Bldg. 103
Property Number: 879630018
Fed Reg Date: 12/13/96
Fort Crockett/Seawall Blvd. Housing
Galveston, TX, Co: Galveston, Zip: 77553–
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Bldg. 102
Property Number: 879630019
Fed Reg Date: 12/13/96
Fort Crockett/Seawall Blvd. Housing

Galveston, TX, Co: Galveston, Zip: 77553—
Status: Unutilized
Comment: 1634 sq. ft. per floor, 2-story, most
recent use—residential, historic properties.

Virginia

Buildings

Housing

Property Number: 879120082
Fed Reg Date: 12/25/96
Rt. 637—Gwynnville Road
Gwinn Island, VA, Co: Mathews, Zip: 23066—
Status: Unutilized
Comment: 929 sq. ft. one story residence.

GSA

Louisiana

Land

Barksdale Radio Beacon Annex
Property Number 189010269
Fed Reg Date: 08/16/96
Barksdale Radio Beacon Annex
Bossier City, LA, Co: Bossier, Zip: 71111—
Location: 7 miles south of Bossier City on
highway 71 south; left 1/4 miles on
highway C1552.
Status: Excess
Comment: 11.25 acres.
GSA No.: 7-D-LA-0438A1

Massachusetts

Land

Estate of S. Newburg
Property Number 549630017
Fed Reg Date: 11/01/96
Lois and Ellen Street
Haverhill, MA, Co: Essex, Zip: 01830—
Status: Excess
Comment: land—36,425 sq. ft.—two
noncontiguous parcels, heavily wooded
GSA No.: 1-G-MA-793

Maine

Buildings

51 Housing Units w/garages
Property Number 549640012
Fed Reg Date: 12/13/96
Charleston Family Housing Complex
Maxwell Lane & Randolph Drive
Bangor, ME, Co: Penobscot, Zip: 04401—
Status: Excess
Comment: 1300 sq. ft. each, 1-story
GSA No.: 1-D-ME-526H

Michigan

Buildings

Seul Choix Point Light
Property Number 549640005
Fed Reg Date: 12/13/96
Gulliver, MI, Co: Schoolcraft, Zip: 49840—
Status: Excess
Comment: 1000 sq. ft. lighthouse, lease with
Gulliver Historical Society thru Dec. 2009
GSA No.: 1-U-MI-679A

New York

Buildings

Fed. Office Building
Property Number 549630011
Fed Reg Date: 9/27/96
35 Ryerson Street
Brooklyn, NY, Co: Kings, Zip:
Status: Excess

Comment: nine floors and basement, possible
asbestos, needs rehab, most recent use—
VA Clinic
GSA No.: 1-G-NY-637A

Oregon

Land

Portion, Astoria Field Office
Property Number 549640015
Fed Reg Date: 12/20/96
Via Hwy 30
Astoria, OR, Co: Clatsop, Zip: 97103—
Status: Excess
Comment: 20.6 acres, includes wetlands &
tidelands, parking lot under construction,
portion located within floodplain
GSA No.: 9-D-OR-447F

Pennsylvania

Land

Former Warehouse Site
Property Number 54960017
Fed Reg Date: 12/20/96
1020 South Borad Street
Phildelphia, PA, Zip: 19146—
Status: Excess
Comment: 1.82 acres, most recent use—
parking lot
GSA No.: 4-G-PA-0773

Wisconsin

Buildings

Washburn Ranger's Dwelling
Property Number 549630010
Fed Reg Date: 9/27/96
3 East 3rd St.
Washburn, WI, Co: Bayfield, Zip: 54891—
Status: Excess
Comment: 619 sq. ft., wood frame residence
w/garage, historic preservation covenant
GSA No.: 1-A-WI-590

Interior

Oregon

Land

I-C Drain Right-of-Way
Property Number: 619620002
Fed Reg Date: 09/13/96
Klamath Project
Klamath Falls, OR, Co: Klamath, Zip: 97603—
Status: Unutilized
Comment: 0.51 acres, narrow strip of land.

Tennessee

Buildings

Bldg. 01-204
Property Number: 619630004
Fed Reg Date: 09/27/96
Stones River National Battlefield
Nickens Lane
Murfreesboro, TN, Co: Rutherford, Zip:
37129—
Status: Excess
Comment: 1469 sq. ft., most recent use—
residential, off-site use only.

Virginia

Buildings

NPS Tract 422-25
Property Number: 619440002
Fed Reg Date: 09/13/96
Former White property
County Rd. 602 on Moore Run near 4-H
Camp

Front Royal, VA, Co: Warren, Zip: 22630—
Status: Excess
Comment: 864 sq. ft., 2-story frame residence,
w/Natl. Appalachian Trails System Act,
off-site use only.

Quarters 250

Property Number: 619630003
Fed Reg Date: 09/27/96
Williamsburg, VA, Co: James City, Zip:
23185—
Status: Excess
Comment: 1125 sq. ft., moisture problem,
most recent use—residence, off-site use
only.

NAVY

Georgia

Land

Naval Submarine Base
Property Number: 779010229
Fed Reg Date: 09/27/96
Project Name: Naval Submarine Base
Grid R-2 to R-3 to V-4 to V-1
Kings Bay, GA, Co: Camden, Zip: 31547—
Status: Underutilized
Comment: 111.57 acres; areas may be
environmentally protected; secured area
with alternate access.

Hawaii

Buildings

Bldg. S87, Radio Trans. Fac.
Property Number: 779240011
Fed Reg Date: 09/27/96
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786-3050
Status: Unutilized
Comment: 7566 sq. ft., 1-story, needs rehab,
most recent use—storage, off-site use only.
Bldg. 466, Radio Trans. Fac.
Property Number: 779240012
Fed Reg Date: 09/27/96
Lualualei, Naval Station, Eastern Pacific
Wahiawa, HI, Co: Honolulu, Zip: 96786-3050
Status: Unutilized
Comment: 100 sq. ft., 1-story, needs rehab,
most recent use—gas station, off-site use
only.

Bldg. T33 Radio Trans Facility
Property Number: 779310003
Fed Reg Date: 09/27/96
Naval Computer & Telecommunications Area
Wahiawa, HI, Co: Honolulu, Zip: 96786-3050
Status: Unutilized
Comment: 1536 sq. ft., 1 story, access
restrictions, needs rehab, most recent use—
storage, off-site use only.
Bldg. 64, Radio Trans Facility
Property Number: 779310004
Fed Reg Date: 09/27/96
Naval Computer & Telecommunications Area
Wahiawa, HI, Co: Honolulu, Zip: 96786-3050
Status: Unutilized
Comment: 3612 sq. ft., 1 story, access
restrictions, needs rehab, most recent use—
storage, off-site use only.

Bldg. 594

Property Number: 779620011
Fed Reg Date: 09/27/96
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860—
Status: Unutilized
Comment: 1300 sq. ft., most recent use—
parking garage, off-site use only.

- Bldgs. S233-S234, S241-S244
Property Number: 779620012
Fed Reg Date: 09/27/96
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 90 sq. ft. each, need repairs, most recent use—storage, off-site use only.
- Bldgs. S229-S232
Property Number: 779620013
Fed Reg Date: 09/27/96
Naval Station, Pearl Harbor
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 180 sq. ft. each, need repairs, most recent use—storage, off-site use only.
- Bldg. 4, Naval Station
Property Number: 779620043
Fed Reg Date: 09/27/96
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 576 sq. ft., needs rehab, most recent use—storage, off-site use only.
- Bldg. 20, Naval Station
Property Number: 779620044
Fed Reg Date: 09/27/96
Pearl Harbor, Bishop Point (Hickam AFB)
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 252 sq. ft., needs rehab, most recent use—storage, off-site use only.
- Bldg. S898, S899
Property Number: 779630078
Fed Reg Date: 11/15/96
Naval Station, Mauka Side
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 1320 sq. ft. each, concrete, needs rehab, most recent use—bomb shelters, off-site use only.
- Bldg. 1251
Property Number: 779630079
Fed Reg Date: 11/15/96
Naval Station, Ward Field
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 374 sq. ft., concrete foundation and walls, needs rehab, off-site use only.
- Bldg. 26
Property Number: 779630080
Fed Reg Date: 11/15/96
Naval Station, Beckoning Point
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 4284 sq. ft., lumber construction, needs rehab, most recent use—office, off-site use only.
- Bldg. 1208
Property Number: 779630081
Fed Reg Date: 11/15/96
Naval Station, Nauka Side
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 558 sq. ft., concrete, most recent use—office, needs rehab, off-site use only.
- Bldg. 442, Naval Station
Property Number: 779630088
Fed Reg Date: 11/15/96
Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 192 sq. ft., most recent use—storage, off-site use only.
- Bldg. 1494
Property Number: 779630089
Fed Reg Date: 11/15/96
Naval Station, Mauka Side
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Excess
Comment: 560 sq. ft., concrete, needs rehab, most recent use—storage, off-site use only.
- Bldg. S180
Property Number: 779640039
Fed Reg Date: 12/13/96
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 3412 sq. ft., 2-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.
- Bldg. S181
Property Number: 779640040
Fed Reg Date: 12/13/96
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 4258 sq. ft., 1-story, most recent use—bomb shelter, off-site use only, relocation may not be feasible.
- Bldg. 219
Property Number: 779640041
Fed Reg Date: 12/13/96
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.
- Bldg. 220
Property Number: 779640042
Fed Reg Date: 12/13/96
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
Comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.
- Bldg. 222
Property: 779640043
Fed Reg Date: 12/13/96
Naval Station, Ford Island
Pearl Harbor, HI, Co: Honolulu, Zip: 96860-
Status: Unutilized
comment: 620 sq. ft., most recent use—damage control, off-site use only, relocation may not be feasible.
- Maine*
Buildings
Naval Air Station
Property Number: 779010110
Fed Reg Date: 09/27/96
Project Name: Transmitter Site
Transmitter Site
Old Bath Road
Brunswick, ME, Co: Cumberland, Zip: 04053—
Status: Underutilized
Comment: 7,270 sq ft., 1 story bldg, most recent use—storage, structural deficiencies.
- Bldg. 373, Topsham Annex
Property Number: 779320024
Fed Reg Date: 09/27/96
Naval Air Station
Topsham, ME, Co: Sagadahoc, Zip:
Status: Excess
- Comment: 1300 sq ft., 1 story bldg, most recent use—public works, maintenance shop, on 2.55 acres.
- North Carolina*
Buildings
Bldg. 127, Camp Lejeune
Property Number: 779620027
Fed Reg Date: 09/27/96
Greater Sandy Run Training Area
Camp Lejeune, NC, Co: Onslow, Zip: 28542—
Status: Unutilized
Comment: 14276 sq ft., 1 story bldg, most recent use—garage, off-site use only.
- Bldg. 128, Camp Lejeune
Property Number: 779620028
Fed Reg Date: 09/27/96
Camp Lejeune, NC, Co: Onslow, Zip: 28542—
Status: Unutilized
Comment: 2008 sq ft., 2 story bldg, most recent use—residence, may have State historical significance, off-site use only.
- Bldg. 146, Camp Lejeune
Property Number: 779620029
Fed Reg Date: 09/27/96
Greater Sandy Run Training Area
Camp Lejeune, NC, Co: Onslow, Zip: 28542—
Status: Unutilized
Comment: 1900 sq ft., concrete block, most recent use—gas station, off-site use only.
- Texas*
Land
Peary Point #2
Property Number: 779030001
Fed Reg Date: 09/27/96
Project Name: Naval Air Station
Naval Air Station
Corpus Christi, TX, Co: Nueces, Zip: 78419-5000
Status: Excess
Comment: 43.48 acres; 60% of land under lease until 8/93.
GSA No.: 7-N-TX-402-V
- Virginia*
Buildings
Bldg. X353
Property Number: 779640016
Fed Reg Date: 11/15/96
Naval Station
1802 Powhatan Street
Norfolk, VA, Zip: 23511—
Status: Unutilized
Comment: 4710 sq. ft., 2-story, most recent use—admin., off-site use only.
- Bldg. 1470
Property Number: 779640044
Fed Reg Date: 11/13/96
509 King Street
Portsmouth, VA, Zip: 23704—
Status: Unutilized
Comment: 21445 sq. ft., 3-story
- VA
Alabama
Land
VA Medical Center
Property Number: 979010053
Fed Reg Date: 08/16/96
VAMC
Tuskegee, AL, Co: Macon, Zip: 36083-
Status: Underutilized
Comment: 40 acres, buffer to VA Medical Center, potential utilities, undeveloped.

California

Land

Property Number: 979240001
 Fed Reg Date: 08/16/96
 4150 Clement Street
 San Francisco, CA Co: San Francisco, Zip: 94121-
 Status: Underutilized
 Comment: 4 acres; landslide area.

Buildings

Bldg. 20—VA Medical Center
 Property Number: 979210003
 Fed Reg Date: 08/16/96
 Wilshire & Sawtelle Blvds.
 Los Angeles, CA, Co: Los Angeles, Zip: 90073-
 Status: Unutilized
 Comment: 8758 gross sq. ft., one story wooden, requires complete restoration meeting standards of national preservation laws and guidelines.

Bldg 13, VA Medical Center
 Property Number: 979220001
 Fed Reg Date: 08/16/96
 Wilshire and Sawtell Blvds.
 Los Angeles, CA, Co: Los Angeles, Zip: 90073-
 Status: Underutilized
 Comment: portion of 66,165 sq. ft. bldg., needs major rehab, no util., pres. of asbestos, in historic district, potential to be hazardous due to storage of radioactive material nearby.

Bldg. 156, VAMC
 Property Number: 979230015
 Fed Reg Date: 08/16/96
 Wilshire & Sawtelle Blvds.
 Los Angeles, CA, Co: Los Angeles, Zip: 90073-
 Status: Underutilized
 Comment: portion of 39,454 sq. ft. bldg., presence of asbestos, needs rehab, seismic reinforcement deficiencies, in his. district, potentially hazardous due to nearby radioactive material.

Indiana

Buildings

Bldg. 140, VAMC
 Property Number: 979230007
 Fed Reg Date: 08/16/96
 East 38th Street
 Marion, IN, Grant, Zip: 46952-
 Status: Underutilized
 Comment: 60 sq. ft., concrete block bldg., most recent use—trash house, access restrictions.

Maryland

Land

VA Medical Center
 Property Number: 979010020
 Fed Reg Date: 08/16/96
 9500 North Point Road
 Fort Howard, MD, Co: Baltimore, Zip: 21052-
 Status: Underutilized
 Comment: Approx. 10 acres, wetland and periodically floods, most recent use—dump site for leaves.

Pennsylvania

Buildings

Bldg. 25—VA Medical Center
 Property Number: 979210001

Fed Reg Date: 08/16/96
 Delafield Road
 Pittsburgh, PA, Co: Allegheny, Zip: 15215-
 Status: Unutilized
 Comment: 133 sq. ft., one story brick guard house, needs rehab.

Texas

Land

Property Number: 979010079
 Fed Reg Date: 08/16/96
 Project Name: Olin E. Teague Veterans Center
 Olin E. Teague Veterans Center
 1901 South 1st Street
 Temple, TX, Co: Bell, Zip: 76504-
 Status: Underutilized
 Comment: 13 acres, portion formerly landfill, portion near flammable materials railroad crosses property, potential utilities.

VA. Medical Center
 Property Number: 979010081
 Fed Reg Date: 08/16/96
 Project Name: VA Medical Center
 4800 Memorial Drive
 Waco, TX, Co: McLennan, Zip: 76711-
 Status: Underutilized
 Comment: 2.3 acres, negotiating lease w/ Owens-Illinois Glass Plant, most recent use—parking lot.

Wisconsin

Land

VA Medical Center
 Property Number: 979010054
 Fed Reg Date: 08/16/96
 Project Name: VA Medical Center
 County Highway E
 Tomah, WI, Co: Monroe, Zip: 54660-
 Status: Underutilized
 Comment: 12.4 acres, serves as buffer between center and private property, no utilities.

Buildings

Bldg. 8
 Property Number: 979010056
 Fed Reg Date: 08/16/96
 Project Name: VA Medical Center
 County Highway E
 Tomah, WI, Co: Monroe, Zip: 54660-
 Status: Underutilized
 Comment: 2200 sq. ft., 2 story wood frame, possible asbestos, potential utilities, structural deficiencies, needs rehab.

TITLE V PROPERTIES FOR YEAR 96
 WHICH ARE SUITABLE AND
 UNAVAILABLE

Air Force

California

Land

Norton Com. Facility Annex
 Property Number: 189010194
 Fed Reg Date: 08/23/96
 Project Name: Norton Com. Facility Annex
 Norton AFB
 Sixth and Central Streets
 Highland, CA, Co: San Bernardino, Zip: 92409-5045
 Status: Excess
 Reason: Leased by "Baseline Little League".

Buildings

Hawes Site (KHGM)
 Property Number: 189010084

Fed Reg Date: 08/23/96
 Project Name: Hawes Site
 March AFB
 Hinckley, CA, Co: San Bernardino, Zip: 92402-
 Status: Unutilized
 Reason: Contamination being cleaned up.

Florida

Land

Woodland Tract
 Property Number: 189540020
 Fed Reg Date: 08/23/96
 Elgin AFB, AF Enlisted Windows' Home
 Ft. Walton Beach, FL, Co: Okaloosa, Zip: 32542-5000
 Status: Unutilized
 Reason: To be excessed to the Dept. of Agriculture.

Iowa

Buildings

Bldg. 00627
 Property Number: 189310001
 Fed Reg Date: 08/23/96
 Sioux Gateway Airport
 Sioux City, IA, Co: Woodbury, Zip: 51110-
 Status: Unutilized
 Reason: Will be transferred to Sioux City.

Bldg. 00669
 Property Number: 189310002
 Fed Reg Date: 08/23/96
 Sioux Gateway Airport
 Sioux City, IA, Co: Woodbury, Zip: 51110
 Status: Unutilized
 Reason: Will be transferred to Sioux City.

Idaho

Buildings

Bldg. 516
 Property Number: 189520004
 Fed Reg Date: 08/23/96
 Mountain Home Air Force Base
 Mountain Home, ID, Co: Elmore, Zip: 86348-
 Status: Excess
 Reason: Currently in use.

Michigan

Buildings

Bldg. 20
 Property Number: 189010775
 Fed Reg Date: 08/23/96
 Project Name: Calumet Air Force Station
 Calumet Air Force Station
 Calumet, MI, Co: Keweenaw, Zip: 49913-
 Status: Excess
 Reason: Renewal of lease.

Bldg. 21

Property Number: 189010776
 Fed Reg Date: 08/23/96
 Project Name: Calumet Air Force Station
 Calumet Air Force Station
 Calumet, MI, Co: Keweenaw, Zip: 49913-
 Status: Excess
 Reason: Renewal of lease.

Bldg. 22

Property Number: 189010777
 Fed Reg Date: 08/23/96
 Project Name: Calumet Air Force Station
 Calumet Air Force Station
 Calumet, MI, Co: Keweenaw, Zip: 49913-
 Status: Excess
 Reason: Renewal of lease.

Bldg. 28

Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 60, 62, 64, 66, 68
 Property Number: 189330083
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 70, 72, 74, 78
 Property Number: 189330084
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 76, 80
 Property Number: 189330085
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldg. 82
 Property Number: 189330086
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 150, 152, 154, 156, 158, 160, 162, 164,
 168, 170, 172, 174, 176, 178, 180, 182, 184
 Property Number: 189330087
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 106-109, 112-113
 Property Number: 189330088
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 202, 204, 206, 212, 214, 216, 218
 Property Number: 189330089
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Bldgs. 208, 210
 Property Number: 189330090
 Fed Reg Date: 08/23/96
 Havre Air Force Station
 MT, Co: Hill, Zip: 59501-
 Status: Unutilized
 Reason: Environmental cleanup required.
 Malstrom Communications Annex
 (Transmitter), 39 78th St., N.
 Property Number: 189510023
 Fed Reg Date: 08/23/96
 Malstrom AFB, MT, Co: Cascade, Zip: 59405-
 Status: Excess
 GSA No.: 7-D-MT-4240
 Reason: Federal Interest.

New Hampshire

Buildings
 Bldg. 127

Property Number: 189320057
 Fed Reg Date: 08/23/96
 New Boston Air Force Station
 Amherst, NH, Co: Hillsborough, Zip: 03031-
 1514
 Status: Excess
 Reason: Ongoing installation mission
 consideration.

Texas

Buildings
 Bldg. 697
 Property Number: 189110092
 Fed Reg Date: 08/23/96
 Brooks Air Force Base
 San Antonio, TX, Co: Bexar, Zip: 78235-
 Status: Unutilized
 Reason: Change in agency mission.
 Bldg. 698
 Property Number: 189110093
 Fed Reg Date: 08/23/96
 Brooks Air Force Base
 San Antonio, TX, Co: Bexar, Zip: 78235-
 Status: Unutilized
 Reason: Change in agency mission.

Army

Arizona
 Buildings
 Bldg. S-306
 Property Number: 219420346
 Fed Reg Date: 09/06/96
 Yuma Proving Ground
 Yuma, AZ, Co: Yuma/La Paz, Zip: 85365-
 9104
 Status: Unutilized
 Reason: Currently being utilized.

Colorado

Buildings
 Bldg. P-1388
 Property Number: 219430134
 Fed Reg Date: 09/06/96
 Fort Carson
 Colorado Springs, CO, Co: El Paso, Zip:
 80913-
 Status: Unutilized
 Reason: Being utilized.

Georgia

Buildings
 Bldg. T201, Fort Stewart
 Property Number: 219420357
 Fed Reg Date: 09/06/96
 Hinesville, GA, Co: Liberty, Zip: 31314-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. T-902, Fort Stewart
 Property Number: 219420360
 Fed Reg Date: 09/06/96
 Hinesville, GA, Co: Liberty, Zip: 31314-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 704, Fort Stewart
 Property Number: 219420364
 Fed Reg Date: 09/06/96
 Hinesville, GA, Co: Liberty, Zip: 31314-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. TT0791
 Property Number: 219440408
 Fed Reg Date: 09/06/96
 Fort Stewart
 Hinesville, GA, Co: Liberty, Zip: 31314-

Status: Unutilized
 Reason: Being utilized.
 Bldg. TT0792
 Property Number: 219440409
 Fed Reg Date: 09/06/96
 Fort Stewart
 Hinesville, GA, Co: Liberty, Zip: 31314-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. TT0793
 Property Number: 219440410
 Fed Reg Date: 09/06/96
 Fort Stewart
 Hinesville, GA, Co: Liberty Zip: 31314-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 4090
 Property Number: 219630007
 Fed Reg Date: 09/06/96
 Fort Benning
 Ft. Benning, GA, Co: Muscogee Zip: 31905-
 Status: Underutilized
 Reason: Plan to utilize as a museum.

Hawaii

Buildings
 Bldg. S-275
 Property Number: 219540014
 Fed Reg Date: 09/06/96
 Fort DeRussy
 Honolulu, HI, Zip: 96815-
 Status: Unutilized
 Reason: Mission use.

Illinois

Land
 Bridge Ramp & Property
 Property Number: 219620665
 Fed Reg Date: 09/06/96
 Rock Island Arsenal
 Rock Island, IL, Co: Rock Island, Zip: 61299-
 Status: Unutilized
 Reason: Being utilized.

Kentucky

Buildings
 Bldg. 05713, Fort Campbell
 Property Number: 219410341
 Fed Reg Date: 09/06/96
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2541
 Property Number: 219610679
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2556
 Property Number: 219610680
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2636
 Property Number: 219610682
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2325

Property Number: 219610694
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2327
 Property Number: 219610695
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2527
 Property Number: 219610698
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2537
 Property Number: 219610699
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2539
 Property Number: 219610700
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2744
 Property Number: 219610704
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2436
 Property Number: 219610670
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.
 Bldg. 2264
 Property Number: 219610671
 Fed Reg Date: 09/06/96
 Fort Campbell
 Ft. Campbell, KY, Co: Christian, Zip: 42223-
 Status: Unutilized
 Reason: Being utilized.

Louisiana
 Buildings
 Bldg. 3322, Fort Polk
 Property Number: 219440441
 Fed Reg Date: 09/06/96
 Texas Avenue
 Ft. Polk, LA, Co: Vernon Parish, Zip: 71459-
 Status: Underutilized
 Reason: Located in restricted and hazardous
 work area.

Maryland
 Buildings
 Bldgs. TMA4, TMA5, TMA8, TMA9
 Property Number: 219320292
 Fed Reg Date: 09/06/96
 Fort George G. Meade
 Ft. Meade, MD, Co: Anne Arundel Zip:
 20755-5115

Status: Unutilized
 Reason: To be demolished.

Montana
 Buildings
 USARC Bozeman Reserve Center
 Property Number: 219420391
 Fed Reg Date: 09/06/96
 32 South Tracy Ave.
 Bozeman, MT, Co: Gallatin Zip:
 Status: Unutilized
 GSA No.: 7-D-MT-0605
 Reason: Homeless Interest.

North Carolina
 Land
 .92 Acre—Land
 Property Number: 219610728
 Fed Reg Date: 09/06/96
 Military Ocean Terminal, Sunny Point
 Southport, NC, Co: Brunswick Zip: 28461-
 5000
 Status: Underutilized
 Reason: Contains well owned by Town;
 within an explosive buffer zone.
 10 Acre—Land
 Property Number: 219610729
 Fed Reg Date: 09/06/96
 Military Ocean Terminal, Sunny Point
 Southport, NC Co: Brunswick Zip: 28461-
 5000
 Status: Underutilized
 Reason: Within an explosives buffer zone.
 257 Acre—Land
 Property Number: 219610730
 Fed Reg Date: 09/06/96
 Military Ocean Terminal, Sunny Point
 Southport, NC, Co: Brunswick Zip: 28461-
 5000
 Status: Underutilized
 Reason: Within an explosives buffer zone.
 24.83 acres—Tract of Land
 Property Number: 219620685
 Fed Reg Date: 09/06/96
 Military Ocean Terminal, Sunny Point
 Southport, NC, Co: Brunswick, Zip: 28461-
 5000
 Status: Underutilized
 Reason: Explosive Buffer Zone.

New Jersey
 Buildings
 Bldg. 1392
 Property Number: 219540008
 Fed Reg Date: 09/06/96
 Armament Research, Dev. & Eng. Center
 Picatinny Arsenal, NJ, Co: Morris, Zip:
 07806-5000
 Status: Unutilized
 Reason: determined to be safety hazard.

Nevada
 Buildings
 U.S. Army Reserve Center
 Property Number: 219340180
 Fed Reg Date: 09/06/96
 685 East Plumb Lane
 Reno, NV, Co: Washoe, Zip: 89502-
 Status: Unutilized
 Reason: Currently utilized.

Oklahoma
 Buildings
 Bldg. P-508

Property Number: 219630186
 Fed Reg Date: 11/08/96
 Norman, OK, Co: Cleveland, Zip:
 Status: Unutilized
 Reason: To be disposed of by GSA.

Texas
 Land
 Vacant Land, Fort Sam Houston
 Property Number: 219220438
 Fed Reg Date: 09/06/96
 All of Block 1800, Portions of Blocks 1900,
 3100 and 3200
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Unutilized
 Reason: Clean-up process.

Buildings
 Bldg. P-2000, Fort Sam Houston
 Property Number: 219220389
 Fed Reg Date: 09/06/96
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. P-2001, Fort Sam Houston
 Property Number: 219220390
 Fed Reg Date: 09/06/96
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. T-189, Fort Sam Houston
 Property Number: 219220402
 Fed Reg Date: 09/06/96
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 1, Fort Hood
 Property Number: 219440336
 Fed Reg Date: 09/06/96
 Lubbock, TX, Co: Lubbock, Zip: 79408-
 Status: Unutilized
 Reason: To be transferred to NG.
 Bldg. P-8249
 Property Number: 219440455
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 San Antonio, TX, Co: Bexar, Zip: 78234-5000
 Status: Excess
 Reason: Committed to Congress for military
 housing construction.
 Bldg. S-1461
 Property Number: 219610772
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 TX, Co: Bexar, Zip: 78234-5000
 Status: Unutilized
 Reason: Being utilized.
 Bldg. T-5114
 Property Number: 219610777
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 TX, Co: Bexar, Zip: 78234-5000
 Status: Unutilized
 Reason: Being utilized.
 Bldg. P-6088 thru P-6091
 Property Number: 219610781
 Fed Reg Date: 09/06/96
 Fort Sam Houston
 TX, Co: Bexar, Zip: 78234-5000
 Status: Unutilized
 Reason: Being utilized.
 Bldg. T-6101
 Property Number: 219610782
 Fed Reg Date: 09/06/96
 Fort Sam Houston

Bldg. TT3001, Fort Pickett
 Property Number: 219310353
 Fed Reg Date: 09/06/96
 Blackstone, VA, Co: Nottoway, Zip: 23824-
 Status: Underutilized
 Reason: Needed for training activities.

Bldg. T-179
 Property Number: 219630001
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: currently occupied.

Bldg. T-181
 Property Number: 219630002
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: Currently occupied.

Bldg. T-182
 Property Number: 219630003
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: Currently occupied.

Bldg. T-183
 Property Number: 219630004
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: Currently occupied.

Bldg. T-184
 Property Number: 219630005
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: Currently occupied.

Bldg. T-185
 Property Number: 219630006
 Fed Reg Date: 09/06/96
 Fort Monroe
 Ft. Monroe, VA, , Zip: 23651-
 Status: Underutilized
 Reason: Currently occupied.

Vermont

Buildings
 Conti-Tracy USAR Center
 Property Number: 219630197
 Fed Reg Date: 11/08/96
 Montpelier, VT, Co: Washington, Zip: 05602-
 9513
 Status: Unutilized
 Reason: Utilized.

COE

Alaska

Buildings
 Nome Marineway & Warehouse
 Property Number: 319630005
 Fed Reg Date: 12/25/96
 Belmont Point
 Nome, AK, Zip: 99762-
 Status: Unutilized
 Reason: Located within an area of
 navigational servitude.

California

Buildings
 Santa Fe Flood Control Basin

Property Number: 319011298
 Fed Reg Date: 12/25/96
 Project Name: Santa Fe Flood Control Basin
 Irwindale, CA, Co: Los Angeles, Zip: 91706-
 Status: Unutilized
 Reason: Needed for contract personnel.

Florida

Buildings
 Bldg. CN7
 Property Number: 319010012
 Fed Reg Date: 12/25/96
 Project Name: Ortona Lock Reservation
 Ortona Lock Reservation, Okeechobee
 Waterway
 Ortona, FL, Co: Glades, Zip: 33471-
 Status: Unutilized
 Reason: Disposal actions have been initiated.

Bldg. CN8
 Property Number: 319010013
 Fed Reg Date: 12/25/96
 Project Name: Ortona Lock Reservation
 Ortona Lock Reservation, Okeechobee
 Waterway
 Ortona, FL, Co: Glades, Zip: 33471-
 Status: Unutilized
 Reason: Disposal actions have been initiated.

Illinois

Land
 Lake Shelbyville
 Property Number: 319240004
 Fed Reg Date: 12/25/96
 Shelbyville, IL, Co: Shelby & Moultrie, Zip:
 62565-9804
 Status: Unutilized
 Reason: Disposal action initiated.

Buildings

Bldg. 7
 Property Number: 319010001
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 6
 Property Number: 319010002
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 5
 Property Number: 319010003
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 4
 Property Number: 319010004
 Fed Reg Date: 12/25/96

Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 3
 Property Number: 319010005
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 2
 Property Number: 319010006
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Bldg. 1
 Property Number: 319010007
 Fed Reg Date: 12/25/96
 Project Name: Ohio River Locks & Dam No.
 53
 Ohio River Locks & Dam No. 53
 Grand Chain, IL, Co: Pulaski, Zip: 62941-
 9801
 Status: Unutilized
 Reason: Project integrity and security; safety
 liability.

Kentucky

Land
 Carr Fork Lake
 Property Number: 319240003
 Fed Reg Date: 12/25/96
 5 miles SE of Hindman, KY., Hwy. 60
 Hindman, KY, Co: Knott, Zip:
 Status: Unutilized
 Reason: Used as drainage field.

North Dakota

Land
 Tracts V-1971B, V-1971
 Property Number: 319620006
 Fed Reg Date: 12/25/96
 Garrison Dam/Lake Sakakawea
 ND, Co: McKenzie, Zip:
 Status: Unutilized
 Reason: sold to adjoining landowner to
 resolve encroachment.

Lot 18, 0.08 acre
 Property Number: 319630003
 Fed Reg Date: 12/25/96
 Garrison Creek
 Garrison Dam/Lake Sakakawea
 ND, Co: McLean, Zip:
 Status: Unutilized
 Reason: Will be conveyed to an adjoining
 landowner.

Pennsylvania

Land
 East Branch Clarion River Lake

Property Number: 319011012
 Fed Reg Date: 12/25/96
 Project Name: East Branch Clarion River Lake
 Wilcox, PA, Co: Elk, Zip:
 Status: Underutilized
 Reason: Location near damsite.
 Dashields Locks and Dam
 Property Number: 319210009
 Fed Reg Date: 12/25/96
 (Glenwillard, PA)
 Crescent Twp., PA, Co: Allegheny, Zip:
 15046-0475
 Status: Unutilized
 Reason: Leased to Township.
 Buildings
 Tract 302B
 Property Number: 319430017
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Old Glassworks, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to County.
 Tract 353
 Property Number: 319430019
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract 402
 Property Number: 319430020
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract 403A
 Property Number: 319430021
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract 403B
 Property Number: 319430022
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract 403C
 Property Number: 319430023
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract 434
 Property Number: 319430024
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: To be transferred to Borough.
 Tract No. 224
 Property Number: 319440001
 Fed Reg Date: 12/25/96
 Grays Landing Lock & Dam Project
 Greensboro, PA, Co: Greene, Zip: 15338-
 Status: Unutilized
 Reason: Disposal action initiated.

Washington
 Land
 Portion of Tract 905
 Property Number: 319320005
 Fed Reg Date: 12/25/96
 Lower Monumental Lock & Dam
 ½ mi SE of Lyons Ferry Marina
 WA, Co: Whitman, Zip:
 Status: Excess
 Reason: Disposal action initiated.
Wisconsin
 Buildings
 Former Lockmaster's Dwelling
 Property Number: 319011526
 Fed Reg Date: 12/25/96
 Project Name: Former Lockmaster's Dwelling
 DePere Lock
 100 James Street
 De Pere, WI, Co: Brown, Zip: 54115-
 Status: Unutilized
 Reason: In negotiation for transfer to the
 State.
 DOT
California
 Land
 Excess Land at Eureka Housing
 Property Number: 879540001
 Fed Reg Date: 08/23/96
 Eureka, CA, Co: Humboldt, Zip: 95501-
 Status: Unutilized
 Reason: encroachment on property.
Georgia
 Land
 Land—St. Simons Boathouse
 Property Number: 879540003
 Fed Reg Date: 08/23/96
 St. Simons Island, GA, Co: Glynn, Zip:
 31522-0577
 Status: Unutilized
 Reason: Reversionary clause in deed.
Texas
 Buildings
 Bldg. 115
 Property Number: 879630001
 Fed Reg Date: 12/13/96
 Fort Crockett/43rd St. Housing
 Galveston, TX, Co: Galveston, Zip: 77553-
 Status: Unutilized
 Reason: Permitted to the Army.
 Bldg. 114
 Property Number: 879630002
 Fed Reg Date: 12/13/96
 Fort Crockett/43rd St. Housing
 Galveston, TX, Co: Galveston, Zip: 77553-
 Status: Unutilized
 Reason: Permitted to the Army.
 Bldg. 113
 Property Number: 879630003
 Fed Reg Date: 12/13/96
 Fort Crockett/43rd St. Housing
 Galveston, TX, Co: Galveston, Zip: 77553-
 Status: Unutilized
 Reason: Permitted to the Army.
 Bldg. 112
 Property Number: 879630004
 Fed Reg Date: 12/13/96
 Fort Crockett/43rd St. Housing
 Galveston, TX, Co: Galveston, Zip: 77553-
 Status: Unutilized
 Reason: Permitted to the Army.

Bldg. 111
 Property Number: 879630005
 Fed Reg Date: 12/13/96
 Fort Crockett/43rd St. Housing
 Galveston, TX, Co: Galveston, Zip: 77553-
 Status: Unutilized
 Reason: Permitted to the Army.
 Energy
Idaho
 Buildings
 Bldg. CFA-613
 Property Number: 419630001
 Fed Reg Date: 10/04/96
 Central Facilities Area
 Idaho National Engineering Lab
 Scoville, ID, Co: Butte, Zip: 83415-
 Status: Unutilized
 Reason: being reviewed for its historical
 status.
Louisiana
 Buildings
 3 Office Buildings
 Property Number: 419640002
 Fed Reg Date: 12/27/96
 St. James Terminal
 St. James, LA, Co: St. James Parish, Zip:
 70086-
 Status: Underutilized
 Reason: scheduled for commercialization.
 Warehouse
 Property Number: 419640003
 Fed Reg Date: 12/27/96
 St. James Terminal
 St. James, LA, Co: St. James Parish, Zip:
 70086-
 Status: Underutilized
 Reason: scheduled for commercialization.
 Laboratory
 Property Number: 419640004
 Fed Reg Date: 12/27/96
 St. James Terminal
 St. James, LA, Co: St. James Parish, Zip:
 70086-
 Status: Underutilized
 Reason: scheduled for commercialization.
 Guard House
 Property Number: 419640005
 Fed Reg Date: 12/27/96
 St. James Terminal
 St. James, LA, Co: St. James Parish, Zip:
 70086-
 Status: Underutilized
 Reason: scheduled for commercialization.
 2 Dock Operator Bldgs.
 Property Number: 419640006
 Fed Reg Date: 12/27/96
 St. James Terminal
 St. James, LA, Co: St. James Parish, Zip:
 70086-
 Status: Underutilized
 Reason: scheduled for commercialization.
 GSA
Arkansas
 Buildings
 Federal Building
 Property Number: 549620005
 Fed Reg Date: 08/16/96
 129 North Main Street
 Benton, AR, Co: Saline, Zip: 72201-
 Status: Excess

GSA No.: 7-G-AR-550
Reason: Homeless Interest.
Portion Fed. Bldg.
Property Number: 549630002
Fed Reg Date: 08/16/96
College and Center Streets
Marshall, AR, Co: Searcy, Zip 72650-
Status: Excess
GSA No.: 7-G-AR-552
Reason: Public body Interest.

California

Land
Receiver Site
Property Number: 549010044
Fed Reg Date: 08/16/96
Project Name: Delano Relay Station
Delano Relay Station
Route 1, Box 1350
Delano, CA, Co: Tulare, Zip: 93215-
Status: Surplus
GSA No.: 9-2-CA-1308
Reason: Advertised.
(P) Camp Elliott
Property Number: 549310008
Fed Reg Date: 08/16/96
Rosedale Tract
San Diego, CA, Co: San Diego, Zip:
Status: Surplus
GSA No.: 9-GR(6)-CA-694A
Reason: Sale pending.

Buildings
Bldg. 1
Property Number: 549610015
Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Bldg. 2
Property Number: 549610016
Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Bldg. 3
Property Number: 549610017
Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Bldg. 4
Property Number: 549610018
Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Bldg. 5
Property Number: 549610019

Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Bldg. 6
Property Number: 549610020
Fed Reg Date: 08/16/96
Fruit & Vegetable Chemistry Lab
263 South Chester Ave.
Pasadena, CA, Co: Los Angeles, Zip: 91106-
3108
Status: Excess
GSA No.: 9-A-CA-1469
Reason: Educational interest.

Colorado

Land
Cotter Transfer Site
Property Number: 549630006
Fed Reg Date: 09/27/96
White Water, CO, Co: Mesa, Zip: 81527-
Status: Excess
GSA No.: 7-B-CO-626
Reason: Federal need.

Buildings
Former AF Finance Center
Property Number: 549310011
Fed Reg Date: 08/16/96
3800 York Street
Denver, CO, Co: Denver, Zip: 80205-
Status: Excess
GSA No.: 7-GR-CO-468-D
Reason: Negotiation in progress, sale to city.

Guam

Land
Unimproved Land
Property Number: 549630019
Fed Reg Date: 11/01/96
Rt. 2A
Agat, GU, Zip:
Status: Excess
GSA No.: 9-N-GU-420D
Reason: Guam government interest.

Illinois

Buildings
Parcel 2
Property Number: 549610011
Fed Reg Date: 08/16/96
Portion Former Lock & Dam 51
Golconda, IL, Co: Pope, Zip: 62938-
Status: Excess
GSA No.: 2-D-IL-703
Reason: Public benefit.

Parcel 3
Property Number 549610012
Fed Reg Date: 08/16/96
Portion Former Lock & Dam 51
Colconda, IL, Co: Pope, Zip: 62938-
Status: Excess
GSA No.: 2-IL-D-703
Reason: Park.

Indiana

Land
Portion
Property Number: 549620002
Fed Reg Date: 08/16/96
Bureau of Prisons Vigo Farm

Linden Twp, IN, Co: Vigo, Zip:
Status: Excess
GSA No.: 2-J-IN-507C
Reason: County is interested in negotiated
sale.

Kansas

Buildings
Federal Office Building
Property Number: 549640014
Fed Reg Date: 12/13/96
400 Houston Street
Manhattan, KS, Co: Riley, Zip: 66502-
Status: Surplus
GSA No.: 7-G-KS-0519
Reason: Public benefit interest.

Kentucky

Land
West Point Access Site No. 12
Property Number: 549630005
Fed Reg Date: 09/27/96
Cannelton Locks & Dam
West Point, KY, Co: Hardin, Zip: 40177-
Status: Excess
GSA No.: 4-D-KY-606
Reason: Interest from City for park and
recreation.

Louisiana

Land
New Iberia Training Area
Property Number: 549610004
Fed Reg Date: 08/16/96
Iberia Parish, LA, Zip:
Status: Excess
GSA No.: 7-D-LA-0467E
Reason: Public benefit interest.

Massachusetts

Buildings
17 Single Family Residences
Property Number: 549520002
Fed Reg Date: 08/16/96
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022-
Status: Excess
Reason: Public body interest.

99 Duplex Residences
Property Number: 549520003
Fed Reg Date: 08/16/96
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022-
Status: Excess
Reason: Public body interest.

20 Fourplex Residences
Property Number: 549520004
Fed Reg Date: 08/16/96
Navy Family Housing, Westover AFB
Chicopee, MA, Co: Hampden, Zip: 01022-
Status: Excess
Reason: Public body interest.

Maine

Land
Remote Center Air
Property Number: 549610014
Fed Reg Date: 08/16/96
Ground Communication Facility
Westford Hill Road
Hodgdon, ME, Co: Aroostook, Zip: 04730-
Status: Excess
GSA No.: 1-ME-624
Reason: Sale scheduled.

Michigan

Buildings

Detroit Job Corps Center
Property Number: 549510002
Fed Reg Date: 08/16/96
10401 E. Jefferson & 1438 Garland;
1265 St. Clair
Detroit, MI, Co: Wayne, Zip: 42128
Status: Surplus
GSA No.: 2-L-MI-757
Reason: Education application.
Little Rapids Lightkeeper Sta.
Property Number: 549530002
Fed Reg Date: 08/16/96
Little Rapids Channel
Sault St. Marie, MI, Co: Chippewa, Zip:
49873-
Status: Excess
GSA No.: 2-U-MN-503-E
Reason: Possible negotiated sale to city.

Minnesota

Buildings

Coast Guard Family Housing
Property Number: 549230007
Fed Reg Date: 08/16/96
404 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip:
56623-
Status: Surplus
GSA No.: 2-U-MN-503-E
Reason: Homeless interest.
Coast Guard Family Housing
Property Number: 549230008
Fed Reg Date: 08/16/96
406 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip:
56623-
Status: Surplus
GSA No.: 2-U-MN-503-E
Reason: Homeless interest.
Coast Guard Family Housing
Property Number: 549230009
Fed Reg Date: 08/16/96
408 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip:
56623-
Status: Surplus
GSA No.: 2U-MN-503-E
Reason: Homeless interest.
Coast Guard Family Housing
Property Number: 549230010
Fed Reg Date: 08/16/96
418 East Hamilton Avenue
Baudette, MN, Co: Lake of the Woods, Zip:
56623-
Status: Surplus
GSA No.: 2U-MN-503-E
Reason: Homeless interest.

Montana

Land

U.S. Army Reserve Center
Property Number: 219420009
Fed Reg Date: 08/16/96
Marcella Avenue
Lewistown, MT, Co: Fergus, Zip:
Status: Unutilized
GSA No.: 7-D-MT-0607
Reason: Public benefit interest.

Buildings

Bldg.—Conrad Training Site
Property Number: 189420025
Fed Reg Date: 08/16/96

15 miles east of the City of Conrad
MT, Co: Pondera, Zip: 59425-
Status: Excess
Reason: Advertising.

North Carolina

Buildings

Grove Arcade Fed. Bldg.
Property Number: 549630018
Fed Reg Date: 11/01/96
37 Battery Park Ave.
Asheville, NC, Co: Buncombe, Zip: 28802-
Status: Excess
GSA No.: 4-G-NC-710
Reason: Interest from City.

North Dakota

Buildings

Dickinson Tech. Oper. Site
Property Number: 549610009
Fed Reg Date: 08/16/96
3 mi South of New England
Dickinson, ND, Co: Hettinger, Zip: 58647-
Status: Excess
GSA No.: 7-D-ND-0497
Reason: Correctional Interest.

New Mexico

Buildings

Magdalena Dormitory
Property Number: 549540006
Fed Reg Date: 08/16/96
Poplar and 8th Streets
Magdalena, NM, Co: Socorro, Zip: 87825-
Status: Excess
GSA No.: 7-I-NM-0543
Reason: Homeless application in process.

Nevada

Buildings

5 Single Family Residences
Property Number: 549430004
Fed Reg Date: 08/16/96
Tonopah Housing Complex
Tonopah, NV, Co: Nye, Zip: 89049-
Status: Excess
GSA No.: 9-U-NV-467-C
Reason: Advertising.

13 Single Family Residences
Property Number: 549430005
Fed Reg Date: 08/16/96
Tonopah Housing Complex
Tonopah, NV, Co: Nye, Zip: 89049-
Status: Excess
GSA No.: 9-U-NV-467-C
Reason: Advertised.

Ohio

Land

Middleport Public Access Site
Property Number: 319230001
Fed Reg Date: 08/16/96
Robert C. Byrd Locks & Dam
Middleport, OH, Co: Meigs, Zip: 45760-
Status: Excess
GSA No.: 2-D-OH-793
Reason: Park & Rec interest.

Bethany Relay Station
Property Number: 549610008
Fed Reg Date: 08/16/96
8070 Tylersville Road
Union Township, OH, Co: Butler, Zip:
45040-
Status: Excess
GSA No.: 1-Z-OH-726B

Reason: Multiple public benefit interests.

Buildings

Zanesville Federal Building
Property Number: 549520018
Fed Reg Date: 08/16/96
65 North Fifth Street
Zanesville, OH, Co: Muskingum, Zip:
Status: Excess
GSA No.: 2-G-OH-781A
Reason: Public benefit interest from County.
Natl. Weather Met. Observatory
Property Number: 549540005
Fed Reg Date: 08/16/96
Huber Heights, OH, Co: Montgomery, Zip:
Status: Excess
GSA No.: 2-C-OH-796
Reason: Correctional interest.

Oklahoma

Buildings

U.S. Federal Building
Property Number: 549620006
Fed Reg Date: 08/16/96
103 S. Hudson
Altus, OK, Co: Jackson, Zip: 73521-
Status: Excess
GSA No.: 7-G-OK-558
Reason: Education Interest.

Pennsylvania

Land

Land—Tioga-Hammond Lakes
Property Number: 319120001
Fed Reg Date: 11/01/96
Mansfield, PA, Co: Tioga, Zip 16933-
Status: Excess
GSA No.: 4-D-PA-0699G
Reason: Advertisement scheduled.

Puerto Rico

Land

La Hueca—Naval Station
Property Number: 549420006
Fed Reg Date: 08/16/96
Roosevelt Roads
Vieques, PR, Zip: 00765-
Status: Excess
Reason: Federal interest.

Tennessee

Land

Former Pumping Facility
Property Number: 549630004
Fed Reg Date: 09/13/96
Portion of Volunteer Army Ammunition
Plant
Chickamauga Lake
Chattanooga, TN, Co: Hamilton, Zip: 37402-
Status: Excess
GSA No.: 4-D-TN-594C
Reason: Advertising.

Texas

Land

Fort Hood Training Area
Property Number: 549640004
Fed Reg Date: 12/13/96
Ft. Hood, TX, Co: Coryell, Zip:
Status: Excess
GSA No.: 7-D-TX-496-CG
Reason: Education interest.

Buildings

Office Buildings
Property Number: 549630007

Fed Reg Date: 09/27/96
Former SW Regional Headquarters
4400 Blue Mound Road
TX, Zip: 76106-
Status: Excess
GSA No.: 7-U-TX-1041
Reason: Homeless interest.

5 Storage Buildings
Property Number: 549630008
Fed Reg Date: 09/27/96
Former SW Regional Headquarters
4400 Blue Mound Road
TX, Zip: 76106-
Status: Excess
GSA No.: 7-U-TX-1041
Reason: Homeless interest.

6 Misc. Buildings
Property Number: 549630009
Fed Reg Date: 09/27/96
Former SW Regional Headquarters
4400 Blue Mound Road
TX, Zip: 76106-
Status: Excess
GSA No.: 7-U-TX-1041
Reason: Homeless interest.

Former Weather Radar Site
Property Number: 549630012
Fed Reg Date: 09/27/96
TX, Co: Rusk, Zip: 72652-
Status: Excess
GSA No.: 7-C-TX-1042
Reason: Public health benefit.

Utah

Buildings

House

Property Number: 549620001
Fed Reg Date: 08/16/96
North Utah Highway 16
Randolph, UT, Co: Rich, Zip: 84064-
Status: Excess
GSA No.: 7-A-UT-0498A
Reason: Public benefit interest.

Virginia

Land

4.619 (P) Atlantic Marine Ctr
Property Number: 549620010
Fed Reg Date: 08/16/96
561 Front Street
Norfolk, VA, Zip: 23510-
Status: Excess
GSA No.: 4-C-VA-712
Reason: Homeless interest.

Buildings

Bristol U.S. Army Reserve Ctr.
Property Number: 219440317
Fed Reg Date: 08/16/96
100 Piedmont Avenue
Bristol, VA, Co: Washington, Zip: 24201-
Status: Excess
GSA No.: 4-D-VA-711
Reason: Interest expressed by city.

Vermont

Buildings

Bennington Federal Building
Property Number: 549620009
Fed Reg Date: 08/16/96
118 South Street
Bennington, VT, Zip: 05201-
Status: Excess
GSA No.: 1-G-VT-470
Reason: Discount—Historic Monument.

Washington

Land

Sandpoint Control Tower
Property Number: 549440003
Fed Reg Date: 08/16/96
Near 7600 Sandpoint Way, NE
Seattle, WA, Co: King, Zip: 98115-
Status: Excess
GSA No.: 9-C-WA-1069
Reason: Federal requirement.
Second Stadium Home Site
Property Number: 549540008
Fed Reg Date: 08/16/96
1701 Martin Luther King Blvd.
Seattle, WA, Co: King, Zip: 98144-
Status: Excess
GSA No.: 9-GRI-WA-543
Reason: Sale pending to City.

Buildings

Coast Guard Housing
Property Number: 549620008
Fed Reg Date: 08/16/96
9551 Avondale Rd., NE
Redmond, WA, Co: King, Zip: 98052-
Status: Excess
GSA No.: 9-U-WA-1109
Reason: City has expressed interest for park.

West Virginia

Buildings

R.T. Price House
Property Number: 319520004
Fed Reg Date: 08/16/96
U.S. Route 2
Williamson, WV, Co: Mingo, Zip: 25661-
Status: Excess
GSA No.: 4-D-WV-525
Reason: Public benefit interest.
Ravenswood Public Access Site
Property Number: 549640013
Fed Reg Date: 12/13/96
No. 2, 4, 6 Washington Street South
Ravenswood, WV, Co: Jackson, Zip: 26164-
Status: Excess
GSA No.: 4-D-WV-526
Reason: Under existing lease to City.

Interior

Arizona

Land

Tract No. APO-SRP-RB-5
Property Number: 619410005
Fed Reg Date: 09/13/96
Mesa, AZ, Co: Maricopa, Zip: 85213-
Status: Unutilized
Reason: Disposal process.

Quartermaster Depot
Property Number: 619420001
Fed Reg Date: 09/13/96
4th Avenue and Colorado River
Yuma, AZ, Co: Yuma, Zip: 85364-
Status: Unutilized
Reason: Under long term lease.

ACDC Tract No. T-71A
Property Number: 619530001
Fed Reg Date: 09/13/96
Along the Arizona Canal
Glendale, AZ, Co: Maricopa, Zip: 85306-
Status: Excess
Reason: Disposal process.
Tract No. OSG-1-23
Property Number: 619530012
Fed Reg Date: 09/13/96

Near McDowell Road & Bush Hwy.
Mesa, AZ, Co: Maricopa, Zip: 85207-
Status: Excess
Reason: Disposal process.

California

Land

Folsom South Canal
Property Number: 619310002
Fed Reg Date: 09/13/96
SW corner of Whiterock Rd. & Folsom S
Canal
Rancho Cordova, CA, Co: Sacramento, Zip:
95670-
Status: Excess
Reason: Will be reported to GSA for sale.

Navy

Florida

Land

Naval Public Works Center
Property Number: 779010157
Fed Reg Date: 09/27/96
Project Name: Naval Base
Naval Air Station
Pensacola, FL, Co: Escambia, Zip: 32508-
Status: Unutilized
Reason: Prop. reverts to grantor when no
longer needed by military.

Georgia

Land

Naval Submarine Base
Property Number: 779010255
Fed Reg Date: 09/27/96
Project Name: Naval Submarine Base
Grid AA-1 to AA-4 to EE-7 to FF-2
Kings Bay, GA, Co: Camden, Zip: 31547-
Status: Underutilized
Reason: Buffer area for an explosive safety
arc.

Maryland

Buildings

Bldg. 230
Property Number: 779330010
Fed Reg Date: 09/27/96
Naval Communications Detachment
9190 Commo Road
Cheltenham, MD, Co: Prince George, Zip:
20397-5520
Status: Unutilized
Reason: Federal need expressed.

Maine

Buildings

Bldg. 376, Naval Air Station
Property Number: 779320011
Fed Reg Date: 09/27/96
Topsham Annex
Topsham, ME, Co: Sagadahoc, Zip:
Status: Unutilized
Reason: Federal need.

Ohio

Buildings

Naval & Marine Corps Res. Cntr
Property Number: 779320012
Fed Reg Date: 09/27/96
315 East LaCleda Avenue
Youngstown, OH, , Zip:
Status: Unutilized
Reason: Returning property to the City.

Property Number: 779010208
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2452
 Property Number: 779010209
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2475
 Property Number: 779010210
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2479
 Property Number: 779010211
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2497
 Property Number: 779010212
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2501
 Property Number: 779010213
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2505
 Property Number: 779010214
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2515
 Property Number: 779010215
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2517
 Property Number: 779010216
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2519
 Property Number: 779010217
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2523
 Property Number: 779010218
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2465
 Property Number: 779010219
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2493
 Property Number: 779010220
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2510
 Property Number: 779010221
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2474
 Property Number: 779010222
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2481
 Property Number: 779010223
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2509
 Property Number: 779010224
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2512
 Property Number: 779010225
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2512
 Property Number: 779010226
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.
 Bldg. 2527
 Property Number: 779010227
 Fed Reg Date: 09/27/96
 Project Name: Laguna Housing Area
 Laguna Housing Area
 NAS Corpus Christi
 Corpus Christi, TX, Co: Nueces, Zip: 78419-
 Status: Underutilized
 Reason: Area programmed for future use.

Virginia
 Land
 Naval Base
 Property Number: 779010156
 Fed Reg Date: 09/27/96
 Project Name: Naval Base
 Norfolk, VA, Co: Norfolk, Zip: 23508-
 Status: Underutilized
 Reason: Identified for use in developing
 admin. office space
 Buildings
 Naval Medical Clinic
 Property Number: 779010109
 Fed Reg Date: 09/27/96
 Project Name: Naval Medical Clinic
 6500 Hampton Blvd.
 Norfolk, VA, Co: Norfolk, Zip: 23508-
 Status: Underutilized
 Reason: Planned for expansion space.

Virgin Islands
 Land
 Ham's Bluff Test Site
 Property Number: 779530006
 Fed Reg Date: 09/27/96
 Freddriksted, VI, Co: St. Croix, Zip: 00840-
 Status: Underutilized
 Reason: Department of Defense interest.

VA
California
 Buildings
 Bldg. 116
 Property Number: 979110009
 Fed Reg Date: 08/16/96
 Project Name: VA Medical Center
 VA Medical Center
 Wilshire and Sawtelle Blvds.
 Los Angeles, CA, Co: Los Angeles, Zip:
 90073-
 Status: Underutilized

Reason: Use negotiations underway with
New Directions, Inc.

Florida

Land

Compound, VAMC

Property Number: 979230017

Fed Reg Date: 08/16/96

10,000 Bay Pines Blvd.

Bay Pines, FL, Co: Pinellas, Zip: 33504-

Status: Underutilized

Reason: Construction staging site.

Buildings

Bldg. 36, VAMC

Property Number: 979230009

Fed Reg Date: 08/16/96

10,000 Bay Pines Blvd.

Bay Pines, FL, Co: Pinellas, Zip: 33504-

Status: Underutilized

Reason: Dedicated to patient care purposes.

Bldg. 37, VAMC

Property Number: 979230010

Fed Reg Date: 08/16/96

10,000 Bay Pines Blvd.

Bay Pines, FL, Co: Pinellas, Zip: 33504-

Status: Underutilized

Reason: Dedicated to patient care purposes.

Illinois

Land

VA Medical Center

Property Number: 979010082

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

3001 Green Bay Road

North Chicago, IL, Co: Lake, Zip: 60064-

Status: Underutilized

Reason: Fully used as a staging area for major
construction project.

Indiana

Buildings

Bldg. 24, VAMC

Property Number: 979230005

Fed Reg Date: 08/16/96

East 38th Street

Marion, IN, Co: Grant, Zip: 46952-

Status: Underutilized

Reason: Currently utilized.

Bldg. 105, VAMC

Property Number: 979230006

Fed Reg Date: 08/16/96

East 38th Street

Marion, IN, Co: Grant, Zip: 46952-

Status: Underutilized

Reason: Integral part of the security system.

Michigan

Land

VA Medical Center

Property Number: 979010015

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

5500 Armstrong Road

Battle Creek, MI, Co: Calhoun, Zip: 49016-

Status: Underutilized

Reason: Being used for patient and program
activities.

Minnesota

Land

Bldg. 227-229 Land

Property Number: 979010006

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

Fort Snelling

St. Paul, MN, Co: Hennepin, Zip: 55111-

Status: Underutilized

Reason: Used for recreation and parking for
occupants of bldg.

VA Medical Center

Property Number: 979010024

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

Near 5629 Minnehaha Avenue

Minneapolis, MN, Co: Hennepin, Zip: 55417-

Status: Underutilized

Reason: Used as parking for employees
working in buildings on-site.

Land—12 acres

Property Number: 979010031

Fed Reg Date: 08/16/96

Project Name: VAMC

VAMC

Near 5629 Minnehaha Avenue

Minneapolis, MN, Co: Hennepin, Zip: 55417-

Status: Unutilized

Reason: Licensed to Minnesota Dept. of
Natural Resources.

Buildings

Bldg. 227

Property Number: 979010033

Fed Reg Date: 08/16/96

VA Medical Center

Fort Snelling

St. Paul, MN, Co: Hennepin, Zip: 55111-

Status: Unutilized

Reason: Plans to use for housing medical
center staff.

New York

Land

VA Medical Center

Property Number: 979010017

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

Fort Hill Avenue

Canandaigua, NY, Co: Ontario, Zip: 14424-

Status: Underutilized

Reason: 13 acres/Canandaigua School Dist.,
14.5 acres landlocked.

Buildings

Bldg. 144, VA ECC

Property Number: 979210004

Fed Reg Date: 08/16/96

Linden Blvd. and 179th St.

St. Albans, NY, Co: Queens, Zip: 11425-

Status: Unutilized

Reason: Construction in process.

Bldg. 143, VA ECC

Property Number: 979210005

Fed Reg Date: 08/16/96

Linden Blvd. and 179th St.

St. Albans, NY, Co: Queens, Zip: 11425-

Status: Unutilized

Reason: Construction in process.

Bldgs. 142/146, VA ECC

Property Number: 979210006

Fed Reg Date: 08/16/96

Linden Blvd. and 179th St.

St. Albans, NY, Co: Queens, Zip: 11425-

Status: Unutilized

Reason: Construction in process.

Pennsylvania

Land

VA Medical Center

Property Number: 979010016

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

New Castle Road

Butler, PA, Co: Butler, Zip: 16001-

Status: Underutilized

Reason: Used as natural drainage for facility
property.

Land No. 645

Property Number: 979010080

Fed Reg Date: 08/16/96

Project Name: VA Medical Center

Highland Drive

Pittsburgh, PA, Co: Allegheny, Zip: 15206-

Status: Unutilized

Reason: Property is essential to security and
safety of patients.

Land—34.16 acres

Property Number: 979340001

Fed Reg Date: 08/16/96

VA Medical Center

1400 Black Horse Hill Road

Coatesville, PA, Co: Chester, Zip: 19320-

Status: Underutilized

Reason: needed for mission related functions.

Buildings

Bldg. 2, VAMC

Property Number: 979230011

Fed Reg Date: 08/16/96

1700 South Lincoln Avenue

Lebanon, PA, Co: Lebanon, Zip: 17042-

Status: Underutilized

Reason: Construction projects in progress.

Bldg. 3, VAMC

Property Number: 979230012

Fed Reg Date: 08/16/96

1700 South Lincoln Avenue

Lebanon, PA, Co: Lebanon, Zip: 17042-

Status: Underutilized

Reason: construction in progress.

Bldg. 103, VAMC

Property Number: 979230014

Fed Reg Date: 08/16/96

1700 South Lincoln Avenue

Lebanon, PA, Co: Lebanon, Zip: 17042-

Status: Underutilized

Reason: Construction in progress.

Wyoming

Buildings

Bldg. 13

Property Number: 979110001

Fed Reg Date: 08/16/96

Project Name: Medical Center

Medical Center

N.W. of town at end of Fort Road

Sheridan, WY, Co: Sheridan, Zip: 82801-

Status: Unutilized

Reason: Planned for future use - currently
used for storage.

Bldg. 79

Property Number: 979110003

Fed Reg Date: 08/16/96

Project Name: Medical Center

Medical Center

N.W. of town at the end of Fort Road

Sheridan, WY, Co: Sheridan, Zip: 82801-

Status: Unutilized

Reason: VA uses as a filtration plant.

[FR Doc. 97-3618 Filed 2-13-97; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR**Office of the Secretary**

[DD-7000-DO1]

Notice of Request for Comments on Lifting the Bar to Statutory Approval of Alaska Native Allotment Applications Under Section 905 of Alaska National Interest Lands Conservation Act (ANILCA) Following the Withdrawal of Protests**AGENCY:** Office of the Secretary, Interior.**ACTION:** Request for comments on proposed Secretarial decision.

SUMMARY: This Notice is published in accordance with the authority of the Secretary of the Interior to review a determination of the Interior Board of Land Appeals (IBLA) or any employee of the Department and to render a final decision. Two Alaska Natives have requested the Secretary to review IBLA decisions concerning their allotment applications under the Alaska Native Allotment Act. While awaiting a legal opinion from the Solicitor, the Secretary herein requests comments on the implications of granting the portion of the petition that would regard allotment applications as approved under § 905 of ANILCA if protests against such applications have been withdrawn.

DATES: Submit comments by April 15, 1997. The Office of the Secretary may, but need not, consider comments received or postmarked after this date in preparing the final decision.

ADDRESSES: If you wish to comment, you may hand-deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW, Washington, DC; or mail comments to the Bureau of Land Management, Administrative Record, Room 401LS, 1849 C Street, NW, Washington, DC 20240. You may also transit comments electronically, via the Internet to WOCComment@wo.blm.gov. Please include "Attn: Secretarial Decision", your name and address in your message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 452-5030.

You will be able to review comments at Bureau of Land Management's Regulatory Affairs Group office, Room 401, 1620 L Street, NW, Washington, DC, during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

If you wish to withhold your name or street address, except for the city or town, from public review or disclosure under the Freedom of Information Act,

you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Sandra J. Ashton, Office of the Solicitor, (202) 208-6526.

SUPPLEMENTARY INFORMATION: Under 43 CFR § 4.5(a), the Secretary of the Interior may take jurisdiction at any stage of a matter before the IBLA or an employee of the Department and render a final decision in the matter reviewed. By petition dated March 27, 1996, Edward N. O'Leary requested that the Secretary take jurisdiction concerning his allotment application filed under the Alaska Native Allotment Act, 34 Stat. 197, repealed by the Alaska Native Claims Settlement Act (ANCSA), 85 Stat. 688 (1971).

In the same petition, another allotment applicant requested that the Secretary review the denial of his application based on application of the "statutory life" regulation of the Bureau of Land Management (BLM). This request is not being addressed in this Notice but is being considered separately.

Section 905 of the ANILCA, 43 U.S.C. § 1634, sets forth a statutory approval of pending applications for Alaska Native allotments, if certain conditions are met, unless a timely and sufficient protest was filed. In the *O'Leary* case, 132 IBLA 337 (1995), the IBLA ruled that the BLM was required to adjudicate an allotment application even though a protest to the allotment application had been withdrawn. The petition asserts that the IBLA incorrectly interpreted § 905 in reaching this result. The petitioner believes that allotment applications qualify for automatic approval under § 905 if and when a protest which prevented such approval is withdrawn.

The Secretary is favorably disposed to granting that portion of the petition which would have § 905 approval vest upon withdrawal of protests to allotment applications. This action would require the Secretary to overrule the IBLA interpretation of § 905, which is that allotment applications must be adjudicated if a sufficient protest was filed even though the protest was subsequently withdrawn.

If the Secretary takes this action, the withdrawal of a protest against an allotment application will have the

effect of regarding that application as approved under § 905.

This result would arguably fulfill the purposes for which § 905 was enacted: to expedite the approval of allotment applications and to fulfill the commitments of the 1971 ANCSA where no countervailing interests requiring full adjudication were presented.

The Secretary has requested that the Solicitor review § 905 of ANILCA, ANCSA, relevant regulations and caselaw, and the IBLA decisions, specifically including the decision that first articulates IBLA's holding, *Steven Northway*, 96 IBLA 301 (1987), in order to determine the authority of the Secretary to pursue this course of action and to evaluate the effects of lifting the bar to § 905 approval of Alaska Native Allotment Applications.

While the Solicitor conducts his review, interested persons and organizations may submit their legal and factual arguments on the authority of the Secretary to pursue this course of action and on the effects of applying § 905 this way. Although comments on any possible or potential effects will be welcomed, comments are encouraged concerning the effect that this application of § 905 would have on public access across allotments that would be approved under this course of action. Specific comments also are requested on whether a Secretarial decision along these lines should be applied to all open Native allotment applications, regardless of the stage of the application, or whether it should be limited to applications that have not been processed beyond a certain stage; for example, on which no contest proceeding has been held.

Dated: February 7, 1997.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 97-3700 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-84-P

Bureau of Land Management

[ES-930-07-1320-01-241A]

Alabama: Request for Public Comment on Fair Market Value, Maximum Economic Recovery and the Environmental Assessment; Coal Lease Application ALES 47886**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of public hearing and comment period.

SUMMARY: The Bureau of Land Management requests public comments on the input concerning the

Environmental Assessment, method of obtaining maximum economic recovery, and input to fair market value of certain coal resources it proposes to offer for competitive lease sale. The coal to be offered is underground-minable, potentially bypass, coal. The lands included in Coal Lease Application ALES 47886 are located in Sec. 34 NENW, T. 21 S., R. 4 W., Shelby County, Alabama containing 40.47 acres. The application is for the Thompson, Gholson, Clark and Coke (Youngblood) Seams. The proximate analysis of the coal seams are as follows:

Thompson Seam estimated recoverable coal.....108,000 Tons

Proximate Analysis (%)

Moisture2.8
Ash12.4
Volatile29.9
Fixed Carbon.....54.8
Btu/lb.....12,620
Sulfur.....1.2

Gholson Seam estimated recoverable coal.....143,000 Tons

Proximate Analysis (%)

Moisture4.01
Ash3.1
Volatile34.7
Fixed Carbon.....58.2
Btu/lb.....14,150
Sulfur.....0.7

Clark Seam estimated recoverable coal.....143,000 Tons

Proximate Analysis (%)

Moisture2.3
Ash8.2
Volatile35.0
Fixed Carbon.....54.3
Btu/lb.....13,580
Sulfur.....0.6

Coke Seam estimated recoverable coal.....150,000 Tons

Proximate Analysis (%)

Moisture2.7
Ash5.2
Volatile34.7
Fixed Carbon.....57.4
Btu/lb.....14,160
Sulfur.....1.3

The public is invited to provide written comments on the fair market value and the maximum economic recovery of the above tract. In addition, a public hearing will be held on the environmental assessment, the proposed sale, the fair market value and the maximum economic recovery of the proposed lease tract.

DATES: Written comments must be received on or before March 21, 1997.

ADDRESSES: The written comments must be submitted to the Bureau of Land Management, Jackson District Office, 411 Briarwood Drive, Suite 404, Jackson, Mississippi 39206.

The public hearing will be held on March 14, 1997, 5:00 p.m., Holiday Inn Express, 260 Cababa Valley Road, Pelham, Alabama 35124, (205) 987-8888

FOR FURTHER INFORMATION CONTACT:

For more complete data on this lease application, please contact Tondi Ballard (703) 440-1539 at the Bureau of Land Management, Eastern States, 7450 Boston Boulevard, Springfield, Virginia 22153.

SUPPLEMENTARY INFORMATION: In accordance with the Federal Coal Management Regulations 43 CFR parts 3422 and 3425, not less than 30 days prior to the publication of notice of sale, the Secretary shall solicit public comments.

The public comments should address, but not necessarily be limited to, the following information:

1. The method of mining to be employed in order to obtain maximum economic recovery of the coal and factors which may affect this determination.
2. The impact that mining the coal in the proposed leasehold may have on the area, including, but not limited to, impacts on the environment; and
3. Methods of determining the fair market value of the coal to be offered and factors which may affect this determination.

Letters should be submitted to the Bureau of Land Management, Jackson District, at the above address. Data marked proprietary shall be treated confidential in accordance with the Freedom of Information Act (FOIA). A copy of the comments submitted by the public on fair market value and maximum economic recovery, except those portions identified as confidential by the public and meeting exemptions stated in the FOIA, will be available for public inspection at the Bureau of Land Management, Jackson District.

Dated: February 11, 1997.

Walter Rewinski,

Deputy State Director, Division of Resources Planning, Use and Protection.

[FR Doc. 97-3792 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-GJ-M

[CA-350-1020-00]

Revised Notice of Intent To Prepare Land Use Plan Amendment and Associated Environmental Impact Statement

AGENCY: Bureau of Land Management, Department of the Interior, Eagle Lake Resource Area, California.

ACTION: Revision to Notice of Intent published November 28, 1994.

SUMMARY: The Notice of Intent to Prepare a Land Use Plan Amendment and Environmental Impact Statement for three Land Use plans was published on pages 60822-60823 in the November 28, 1994 Federal Register. The planning process to date included scoping, public meetings and development of an Analysis of the Management Situation. On October 2, 1995 the Susanville District was formally dissolved, and the new organization is structured to have the Resource Area Managers report directly to the State Director. Therefore, this revision to the Notice of Intent is specifically for the Cal-Neva Management Framework Plan of 1982.

PUBLIC PARTICIPATION: Scoping commenced on November 28, 1994 with the publication of the original Notice of Intent in the Federal Register. Public meetings were held on January 10, 1995 in Sacramento, California; January 11, 1995 in Reno, Nevada; January 12, 1995 in Susanville, California; and January 13, 1995 in Alturas, California. All comments received since scoping commenced and during the public meetings are being considered in this process. A new scoping period is not being started.

FOR FURTHER INFORMATION OR RELATED

DOCUMENTS CONTACT: Linda Hansen, Area Manager, Eagle Lake Resource Area, 2950 Riverside Drive, Susanville, California 96130. Telephone: (916) 257-0456.

SUPPLEMENTARY INFORMATION: The Cal-Neva Management Framework Plan is in the area of the Northwest Great Basin in Northern Washoe County, Nevada and Eastern Lassen County, California and is locally known as the East Lassen Area. The scoping, public participation and Analysis of the Management Situation that has been completed covers the whole of the East Lassen Area which is in the management responsibility of three different resource areas. These are the Alturas Resource Area, the Surprise Resource Area and the Eagle Lake Resource Area, all of which comprised the old Susanville District. This draft plan amendment for the Cal-Neva Management Framework Plan portion of the East Lassen area is scheduled for completion in early June, 1997.

Dated: February 5, 1997.

Linda Hansen,
Area Manager.

[FR Doc. 97-3802 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-40-P

[UT-060-05-3800-006, UTU-72499]

Notice of Availability of Final Environmental Impact Statement for SUMMO USA Corporation; Lisbon Valley Open Pit Copper Mine in San Juan County, UT**AGENCY:** Bureau of Land Management, Department of Interior.**ACTION:** Notice of availability of the final environmental impact statement prepared for SUMMO USA Corporation's Lisbon Valley Open Pit Copper Mine in San Juan County, Utah.**SUMMARY:** Pursuant to Section 202 of the National Environmental Policy Act of 1969, a Final Environmental Impact Statement (FEIS) has been prepared, under third party contract, by the Bureau of Land Management (BLM), Moab District Office. The FEIS has been prepared to analyze impacts and alternatives for SUMMO USA Corporation's proposed Lisbon Valley Open Pit Copper Mine. The proposed project would occur on 1103 acres of federal, state, and private lands located in San Juan County, Utah.

Copies of the FEIS can be obtained from the Moab District Office at 82 East Dogwood Avenue, Moab, Utah, or by calling (801) 259-6111 and requesting a copy of the document. Additionally, copies of the FEIS will be distributed to all attendees at the scoping meetings, public meeting, and individuals, agencies or companies that have previously submitted comments or requested to be placed on the mailing list to receive a copy of the FEIS.

DATES: Following Federal Register publication by the Environmental Protection Agency of the Notice of Availability of the FEIS, a 30 day review period will be provided prior to issuance of the Record of Decision. The anticipated date of EPA Federal Register publication is February 14, 1997. The Record of Decision would not be issued until after the 30 day review period is complete.**ADDRESSES:** Request for copies of the FEIS should be addressed to: Kate Kitchell, Moab District Manager, Bureau of Land Management, 82 East Dogwood Avenue, Moab, Utah, 84532.**FOR FURTHER INFORMATION CONTACT:** Lynn Jackson, Project Coordinator, Moab Field Office, Bureau of Land Management, 82 East Dogwood Avenue, Moab, Utah, 84532, (801) 259-6111.**SUPPLEMENTARY INFORMATION:** The FEIS analyzes a proposal by SUMMO USA Corporation of Denver, Colorado, to develop an open pit copper mining and heap leaching operation on 1103 acres of private fee lands, state leases and

unpatented mining claims in south Lisbon Valley, located approximately 18 miles southeast of LaSal, Utah, in San Juan County, Utah.

The copper ore would be mined by conventional open pit mining methods from four open pits, encompassing 231 total acres, utilizing drilling, blasting and ripping of the ore and associated overburden. Approximately 93 million cubic yards of overburden would be removed and stockpiled in three waste dumps encompassing 394 acres total.

Approximately 42 million cubic yards of copper bearing ore would be mined from the pits and hauled by truck to a 266 acre lined leach pad. The ore would be crushed and stacked on the leach pad to a height of 100 feet. The copper would then be recovered by a heap leaching method, utilizing low concentrations of sulfuric acid trickled through the stacked ore pad. The leached copper solution would emanate from the bottom of the leach pad, and be recovered in lined ponds after percolating through the stacked ore. This recovered solution would be further refined by standard solvent extraction and electrowinning processes located on-site.

The project is currently projected to have a 10 year mining life. The facilities are designed to mine an average of 16,500 tons of ore per day, to produce 17,000 tons of 99.99% pure copper cathodes per year. SUMMO would employ up to 143 people at one time over the life of the project. The construction workforce would be approximately 80 people. Processing would continue after mining ceases for an additional one year.

To the extent possible, reclamation would occur simultaneously with mining. Final closure and reclamation activities would take approximately 5 years. All waste dumps and the leach pad would be reclaimed in place by covering with a 12 inch layer of cover soil and re-vegetating. The leach pad would be rinsed with fresh water and chemically treated to reduce residual acidic levels in the stacked ore to neutral pH levels prior to closure. The 231 area of open pits would remain. Long-term monitoring of potential groundwater impacts would occur for a period of 25 years after mining operations are completed. Summo has proposed a reclamation bond of \$8.6 million dollars. Provisions would also require the posting of a long-term trust bond commensurate with the long-term monitoring requirements, to provide financial assurances in the event long-term monitoring identifies adverse impacts.

The FEIS analyzes environmental impacts from SUMMO's proposal, along with four alternatives designed to mitigate environmental impacts associated with this project, as identified during the scoping and public comment process. These alternatives are: (1) No Action, (2) Open Pit Backfilling, (3) Facility Layout, and (4) Waste Rock Selective Handling.

BLM's Preferred Alternative is a combination of the Facility Layout Alternative and the Waste Rock Selective Handling Alternative, which in essence would allow the project to proceed with modifications to the layout of waste rock dumps to minimize impacts to soils, sedimentation and visual resources, along with selectively handling potentially acid generating waste rock in the waste dump piles to eliminate to the extent possible the potential for long-term acid generation at the project site.

Dated: February 3, 1997.

Katherine Kitchell,

Moab District Manager.

[FR Doc. 97-3697 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-DQ-P

[AZ-910-0777-61-241A]

State of Arizona Resource Advisory Council Meeting**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Arizona Resource Advisory Council meeting, notice of meeting.**SUMMARY:** This notice announces a meeting of the Arizona Resource Advisory Council. The meeting will be held March 20, 1997, beginning at 8:30 a.m. in the 1A Conference Room at the Bureau of Land Management Arizona State Office, 222 North Central Avenue, Phoenix, Arizona. The agenda items to be covered at the one-day business meeting include review of previous meeting minutes; BLM State Director's Update on legislation, regulations and statewide planning efforts; Update on the Record of Decision of the Statewide Plan Amendment for Arizona Standards for Rangeland Health and Guidelines for Grazing Management; and Reports by the Recreation and Public Relations Working Groups; Reports from RAC members; RAC Discussion on future meeting dates and locations. A public comment period will take place at 11:30 a.m. March 20, 1997 for any interested publics who wish to address the Council.**FOR FURTHER INFORMATION CONTACT:** Deborah Stevens or Ken Mahoney Bureau of Land Management, Arizona

State Office, 222 North Central Avenue, Phoenix, Arizona 85004-2203, (602) 417-9512.

Michael A. Ferguson,

Deputy State Director, Resources Division.

[FR Doc. 97-3731 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-32-M

[CA-942-5700-00]

Filing of Plats of Survey; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested state and local government officials of the latest filing of Plats of Survey in California.

EFFECTIVE DATE: Unless otherwise noted, filing was effective at 10:00 a.m. on the next federal work day following the plat acceptance date.

FOR FURTHER INFORMATION CONTACT:

Clifford A. Robinson, Chief, Branch of Cadastral Survey, Bureau of Land Management (BLM), California State Office, 2135 Butano Drive, Sacramento, CA 95825-0451, (916) 979-2890.

SUPPLEMENTARY INFORMATION: The plats of Survey of lands described below have been officially filed at the California State Office of the Bureau of Land Management in Sacramento, CA.

Mount Diablo Meridian, California

T. 15 S., R. 12 E.,—Dependent resurvey, (Group 1243) accepted January 8, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Hollister Resource Area.

T. 7 S., R. 22 E.,—Dependent resurvey, subdivision and metes-and-bounds survey, (Group 1252) accepted January 23, 1997, to meet certain administrative needs of the US Forest Service, Sierra National Forest.

T. 4 N., R. 11 E.,—Supplemental plat of the W $\frac{1}{2}$ of section 13, accepted January 28, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 3 N., R. 14 E.,—Supplemental plat of the NW $\frac{1}{4}$ of section 9, accepted January 29, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 2 N., R. 12 E.,—Supplemental plat of the SW $\frac{1}{4}$ of section 14, accepted January 30, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 2 N., R. 13 E.,—Supplemental plat of the NE $\frac{1}{4}$ of section 14, accepted January 30, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 15 N., R. 6 E.,—Supplemental plat of the SE $\frac{1}{4}$ of section 1, accepted January 30, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 15 N., R. 6 E.,—Supplemental plat of section 13, accepted January 30, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

T. 18 N., R. 7 E.,—Supplemental plat of the W $\frac{1}{2}$ of section 19, accepted January 30, 1997, to meet certain administrative needs of the BLM, Bakersfield District, Folsom Resource Area.

All of the above listed survey plats are now the basic record for describing the lands for all authorized purposes. The survey plats have been placed in the open files in the BLM, California State Office, and are available to the public as a matter of information. Copies of the survey plats and related field notes will be furnished to the public upon payment of the appropriate fee.

Dated: February 7, 1997.

Clifford A. Robinson,

Chief, Branch of Cadastral Survey.

[FR Doc. 97-3801 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-40-M

[CA-930-1430-01-WARD; CACA 30534-01]

Notice of Proposed Withdrawal Extension and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: To allow the Department of the Interior and the public adequate time to fully evaluate the State's proposal to transfer lands to the State for a low-level radioactive waste (LLRW) facility at Ward Valley, California, the Bureau of Land Management proposes to extend a withdrawal of 1,000 acres of public land in San Bernardino County for two years, thereby preserving the land's current status pending a final decision. The land was withdrawn in 1994 for three years by PLO 7069. The extension will keep the land withdrawn and closed to application, location and entry under the agricultural land laws and the mining laws. The land is open to mineral leasing, and will remain so.

DATES: Comments and requests for a public meeting on this withdrawal extension to maintain the status quo pending a final decision must be mailed, sent or submitted by May 15, 1997 at the address below.

ADDRESSES: Bureau of Land Management (CA-930), 2135 Butano

Drive, Sacramento, California, 95825-0451.

FOR FURTHER INFORMATION CONTACT:

Public Information Section, 2135 Butano Drive, Sacramento, California, 95825-0451, (916) 979-2800.

SUPPLEMENTARY INFORMATION: On February 4, 1997, a petition was approved, allowing the Bureau of Land Management to file an application to extend the withdrawal for two years on the following described public land from operation of the agricultural land laws and the mining laws, subject to valid existing rights:

San Bernardino Meridian

T. 9 N., R. 19 E.,
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 27, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 34;
Sec. 35, W $\frac{1}{2}$ W $\frac{1}{2}$.

The area described contains 1,000 acres in San Bernardino County.

The purpose of the proposed withdrawal is to allow two additional years for the Department of the Interior and the public to fully evaluate the State's proposal to license and locate a low-level nuclear waste facility in Ward Valley, California. Analysis as incorporated in the 1991 EIR/EIS found Ward Valley to be the superior alternative. Neither a right-of-way nor a cooperative agreement would preserve the current status of the land, and therefore they cannot substitute for a withdrawal.

The withdrawal does not authorize any activities on the lands in and of itself. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature may be allowed, but only with the approval of an authorized officer of the Bureau of Land Management during the segregative period.

Water is not needed to fulfill the purpose of the requested withdrawal action.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal extension. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal extension must submit a request with their reasons for a public meeting to the California State Office (CA-930) by May 15, 1997. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the Federal Register at least 30 days before the scheduled date of the meeting.

Until May 15, 1997, all persons who wish to submit comments, suggestions, or objections in connection with the

proposed extension of the withdrawal may present their views in writing to the address above.

The application case file is available for public inspection at the address above and at the California Desert District, 6221 Box Springs Blvd., Riverside, CA 92507.

The application will be processed in accordance with the regulations set forth in 43 CFR Part 2300.

David McIlroy,

Chief, Branch of Lands.

[FR Doc. 97-3733 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-40-P

Minerals Management Service

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Outer Continental Shelf Pipelines

AGENCY: Minerals Management Service (MMS), Department of the Interior (DOI), and Research and Special Programs Administration (RSPA), Department of Transportation (DOT).

ACTION: Notice of memorandum of understanding.

SUMMARY: DOI and DOT have revised a Memorandum of Understanding (MOU) on their respective responsibilities for pipelines on the Outer Continental Shelf (OCS). The revised MOU will replace an MOU in effect since May 6, 1976.

EFFECTIVE DATE: December 10, 1996.

FOR FURTHER INFORMATION CONTACT:

L. E. Herrick, Office of Pipeline Safety Regulatory Programs, RSPA; telephone (202) 366-5523; e-mail l.e.herrick@rspa.dot.gov; or Carl W. Anderson, Operations Analysis Branch, MMS; telephone (703) 787-1608; e-mail Carl_Anderson@mms.gov.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1995, MMS and RSPA published a notice with request for comments in the Federal Register (60 FR 27546; May 24, 1995). The notice announced a proposed MOU between the two agencies re-defining their respective responsibilities for pipelines on the OCS. Over 70 people attended a public meeting in New Orleans on August 1, 1995, to discuss the proposal. A transcript of this meeting is available through the agency representatives listed in the "For Further Information" section of this notice. The public meeting generated over 100 pages of transcribed comments from natural gas

and petroleum trade organizations, natural gas and oil exploration and production companies, transmission companies, offshore construction companies, and industry consultants. The DOI and DOT received twenty-three written comments on the Federal Register Notice.

Before the close of the comment period, the American Petroleum Institute requested a 30-day extension to provide time to convene a regulated community task team, review the proposal, and prepare a detailed response. RSPA and MMS responded by extending the comment period to September 22, 1995 (60 FR 43611; August 22, 1995).

The MOU places, to the greatest extent practicable, producer operated pipelines under DOI responsibility and transporter operated pipelines under DOT responsibility. Producers are companies which are engaged in the extraction and processing of hydrocarbons on the OCS. Transporters are companies which are engaged in the transportation of those hydrocarbons. As a result of this revision, some pipelines, predominantly producer operated pipelines, currently under DOT responsibility, will be under DOI responsibility.

Each agency will initiate separate public rulemakings which will reflect the new boundaries. The DOI and DOT will propose that any changes in requirements for design or construction of pipelines which result from the transfer of pipelines to another agency's responsibility not apply to existing pipeline segment until each operator makes significant repairs or modifications to those segments.

This MOU also establishes an agreement between the two agencies for DOI to act as agent for DOT in identifying and reporting potential violations of DOT regulations at offshore platforms on the OCS. As an agent, DOI may inspect all DOT-regulated pipeline facilities on production platforms during DOI inspections. DOI may also perform coordinated DOI/DOT inspections of pipeline facilities on DOT-regulated platforms. The inspections may include reviewing any operating or maintenance records or reports that are located at the inspected OCS platform facility.

Once implemented through regulation, the changes described in the MOU will substantially reduce the burden of overlapping Federal jurisdictions and inconsistencies between agency requirements. This will substantially increase the efficiency of governmental resources on the OCS without compromising safety.

Dated: February 10, 1997.

Richard B. Felder,

Associate Administrator for Pipeline Safety.

Dated: February 10, 1997.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

The MOU reads as follows:

Memorandum of Understanding Between the Department of Transportation and the Department of the Interior, Regarding Outer Continental Shelf Pipelines

I. Purpose

This Memorandum of Understanding (MOU) establishes the boundaries that will be used to delineate the locations over which the Department of Transportation (DOT), Research and Special Programs Administration (RSPA), and the Department of the Interior (DOI), Minerals Management Service (MMS), will exercise their respective regulatory authority over pipelines located on the Outer Continental Shelf (OCS). This MOU replaces the MOU between DOT and DOI regarding OCS pipelines which was signed and became effective May 6, 1976, and which terminates as of the effective date of this MOU.

In recognition of each of the parties' respective regulatory responsibilities for OCS pipelines, DOI and DOT agree that an MOU is needed to avoid duplication of regulatory efforts regarding OCS pipelines, to assure coordination and consultation during the development and implementation of regulatory requirements, to facilitate compatible regulatory requirements for all OCS pipelines whether under DOI or DOT jurisdiction, and to promote safety and environmental protection on the OCS. This MOU puts, to the greatest extent practicable, OCS production pipelines under DOI responsibility and OCS transportation pipelines under DOT responsibility.

II. Authority

DOT has the responsibility for promulgating and enforcing regulations for the safe and environmentally sound transportation of gases and hazardous liquids by pipeline. DOT administers the following laws as they relate to pipelines: (1) the pipeline safety laws (49 U.S.C. 60101 et seq.); (2) the Deepwater Port Act of 1974 (33 U.S.C. 1501-1524); (3) the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1251-1375), as amended by the Oil Pollution Act of 1990 (OPA) (P.L. 101-380) and implemented under Executive Order (E.O.) 12777; and (4)

the Hazardous Materials Transportation Act (49 U.S.C. 5101 et seq.).

DOI has responsibilities for promulgating and enforcing regulations for the promotion of safe operations, protection of the environment, and conservation of the natural resources of the OCS, as that area is defined in the OCS Lands Act (OCSLA) (43 U.S.C. 1331 et seq.). DOI also has certain responsibilities for granting rights-of-way for the construction of pipelines and associated facilities on the OCS. DOI administers the following laws as they related to OCS pipelines: (1) The OCSLA for the transportation of minerals by pipeline, (2) the Federal Oil and Gas Royalty Management Act of 1982 for oil and gas production measurement, and (3) the FWPCA, as amended by OPA and implemented under E.O. 12777.

III. Division of Responsibilities

DOI and DOT agree to the following division of OCS pipeline regulatory responsibilities with respect to design, construction, operation, and maintenance regulations for all pipelines on the OCS pursuant to the statutes cited above.

DOI Responsibilities

1. DOI will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents pursuant to the OCSLA for all OCS pipelines located upstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.

2. DOI will perform authorized inspection tasks for OCS pipelines under DOT responsibility, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.

3. DOI will consult with DOT during the development of regulatory requirements and will send a copy of each draft notice of proposed rulemaking (NPR) concerning OCS pipelines to DOT for review at least 60 days before the NPR is published in the Federal Register.

4. DOI will require all applications concerning pipelines and pipeline rights-of-way to include a statement concerning which agency has responsibility for the pipeline. When DOI grants rights-of-way for pipelines which are under DOT responsibility, DOI will condition its approval on the pipelines being designed, constructed, operated, and maintained in compliance

with DOT regulations. Upon approval of grants for right-of-way pipelines under DOT responsibility, DOI will provide copies of its approval letters to DOT.

5. DOI will allow DOT to use, on a reimbursable basis, DOI-contracted helicopters for the inspection of OCS pipelines, subject to helicopter availability.

6. For pipelines under DOT responsibility, DOI will report to DOT in writing any apparent violation of DOT regulations that is identified during the course of DOI inspections.

DOT Responsibilities

1. DOT will establish and enforce design, construction, operation, and maintenance regulations and investigate significant accidents for all OCS transportation pipelines beginning downstream of the point at which operating responsibility transfers from a producing operator to a transporting operator. Such points shall be fixed and clearly designated by the operators of the facilities.

2. DOT delegates authorized inspection tasks for OCS pipelines under DOT responsibility to DOI, also described under paragraph 8, "Joint Responsibilities," as an agent of DOT, under DOT pipeline safety regulations and enforcement guidelines.

3. DOT will consult with DOI during the development of regulatory requirements and will send a copy of each draft NPR concerning OCS pipelines to DOI for review at least 60 days before the NPR is published in the Federal Register.

4. For pipelines under DOI regulatory authority, DOT will report to DOI in writing any apparent violation of DOI regulations that is identified during the course of DOT inspections.

Joint Responsibilities

1. DOI and DOT will consult and coordinate all of their respective rulemaking efforts affecting OCS pipelines. Supporting regulatory analyses (e.g., Determinations of Effects of Rules, Regulatory Impact Analyses, and information collection burdens, etc.) will also be coordinated, although the analyses will be appropriate for each agency and the industry segments it regulates.

2. DOI and DOT will coordinate all of their respective research and development projects concerning OCS pipelines.

3. DOI and DOT may perform joint inspections of pipeline segments and facilities where either has jurisdiction, particularly when there are potential safety impacts from one facility on another.

4. DOI and DOT may perform joint or independent investigations of accidents involving OCS pipeline segments where either has jurisdiction.

5. DOI and DOT will each provide the other agency with any final rule, notice, agreement, or MOU with any Federal or State agency concerning OCS pipelines.

6. At least once every 3 calendar years, DOI and DOT will jointly review existing standards, regulations, orders, operating practices, and environmental and safety issues concerning OCS pipelines.

7. DOI and DOT may, through their enforcement agencies and in consultation with the affected parties, agree to exceptions to this MOU on a facility by facility or area by area basis. Operators may also petition DOI and DOT for exceptions to this MOU.

8. DOI is authorized by DOT to perform coordinated OCS platform inspection tasks for pipelines under DOT responsibility. DOI will advise pipeline operators and DOT of inspection findings and will refer all cases of apparent noncompliance with DOT regulations to DOT.

IV. Implementation

1. Within 120 days of the signing of this MOU, DOI and DOT will develop and initiate a joint implementation plan and rulemakings. The plan will also establish the procedures under which the point of demarcation at each facility will be fixed, marked, and reported.

2. Thereafter, DOI and DOT will meet periodically to review and update the joint implementation plan and to review this MOU for any needed revisions.

3. The respective points of contact for the provisions of this MOU are:

Associate Administrator for Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 7th Street, SW., Washington, D.C. 20590
Associate Director for Offshore Minerals Management, Minerals Management Service, Department of the Interior, 1849 C Street, NW., Washington, D.C. 20240

V. Limitations

1. Nothing in this MOU is intended to alter, limit, or expand the statutory or regulatory authority of DOT or DOI until implementing regulations are adopted.

2. Nothing in this MOU limits informal consultations not otherwise mentioned in this agreement.

3. Nothing in this MOU relieves an OCS pipeline owner or operator from complying with the regulations of any State of Federal agency.

4. Under a separate MOU among DOI, DOT, and the U.S. Environmental

Protection Agency pursuant to the OPA, the agencies have divided their respective responsibilities for oil spill prevention and response according to the definition of "coast line" contained in the Submerged Lands Act, 43 U.S.C. 1301(c) (59 FR 9494-9495). Nothing herein is intended to affect the implementation or administration of that MOU.

VI. Modification

Either party to this agreement may propose modifications by submitting them in writing to the head of the other Department. No modification may be adopted except with the consent of both parties. Both parties shall indicate their consent to or disagreement with any proposed modification within 60 days of receipt. Upon the request of either party, representatives of both parties shall meet for the purpose of considering modifications to this agreement.

VII. Termination

This MOU may be terminated by either party upon 60-day written notice to the other party.

VIII. Administration

This MOU will be administered by DOI's Minerals Management Service and DOT's Research and Special Programs Administration or such successor agencies as may be designated by the respective Secretaries.

IX. Effective Date

This MOU is effective upon acceptance by both parties as indicated by the signatures below.

Dated: December 10, 1996.
Department of the Interior.
Bruce Babbitt,
Secretary.

Dated: December 10, 1996.
Department of Transportation
Federico Peña,
Secretary.
[FR Doc. 97-3769 Filed 2-13-97; 8:45 am]
BILLING CODE 4310-MR-M

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of Bandelier National Monument, National Park Service, Los Alamos, NM—Correction

AGENCY: National Park Service, Interior.
ACTION: Notice.

Correction

In notice document 96-32095 beginning on page 66694 in the issue of Wednesday, December 18, 1996 make the following corrections:

On page 66694, in the third column, in the second paragraph, include the Pueblo of Santa Ana in the list of consulted Indian tribes.

On page 66695, in the second column, in the second paragraph, include the Pueblo of Santa Ana in the list of Indian tribes with a shared group identity reasonably traced to the 37 sets of Native American human remains and ten associated funerary objects.

On page 66695, in the second column, in the third paragraph, include the Pueblo of Santa Ana in the list of notified Indian tribes.

On page 66695, in the third column, in the first paragraph, include the Pueblo of Santa Ana, the Pueblo of Santa Clara, and the Pueblo of Santo Domingo in the list of Indian tribes to whom the 37 sets of Native American human remains and ten associated funerary objects may be repatriated.

Dated: February 5, 1997.

Francis P. McManamon,
*Departmental Consulting Archeologist,
Manager, Archeology and Ethnography
Program.*

[FR Doc. 97-3684 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-70-F

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from near Yerington, Nevada, in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects near Yerington, Nevada, in the possession of the Nevada State Museum, Carson City, NV.

A detailed assessment of the human remains and associated funerary objects was made by the Nevada State Museum professional staff in consultation with representatives of the Yerington Paiute Tribe.

Before 1970, human remains representing one individual were collected by an unknown person and delivered to the Nevada State Museum. "Yerington" was written on the box the human remains were delivered in. No known individual was identified. No associated funerary objects are present.

Morphological evidence indicates this individual is Native American based on cranial shape and dental traits. One tooth in the cranium shows pre-contact type wear and lingual tilting, supporting precontact but otherwise unknown age. Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area. Oral tradition presented by representatives of the Yerington Paiute Tribe supports this conclusion.

In 1984, human remains representing one individual were recovered during water line construction by the City of Yerington, Nevada. No known individual was identified. The 759 associated funerary objects include: 12 white buttons, one blue button, and 745 turquoise-colored, blue and black glass trade beads.

Morphological evidence indicates this individual is Native American based on cranial shape and dental traits. The associated funerary objects date this burial to after 1840. The manner of internment and the presence of glass beads and clothing buttons are consistent with Northern Paiute burials in this region. Consultation evidence indicates the Yerington Paiute Tribe has occupied this area since precontact times. Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area.

In 1987, human remains representing one individual were recovered from Smith Valley, Lyon County, NV, by the Nevada Division of Investigations and turned over to the Nevada State Museum when it was determined to be a Native American individual. No known individual was identified. No associated funerary objects are present.

Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area. Oral tradition presented by representatives of the Yerington Paiute Tribe support this conclusion.

In May of 1990, human remains representing one individual was found by a private citizen near Yerington, Nevada, and reported to the Lyon County Sheriff's Office. No known individual was identified. The eight associated funerary objects include: denim jeans, a wool army jacket, a braided hackamore bosal, metal rings and leather representing a saddle, and

wrappings consisting of a rabbit skin blanket, and possibly a wool blanket.

Based on biometric attributes, this individual has been identified as Paiute. The associated funerary objects date this burial to ca. 1920. The tightly flexed posture, talus burial setting, twined rabbit skin blanket, and burial with horse tack is also consistent with specifically Northern Paiute burial practices. Consultation evidence indicates the Yerington Paiute Tribe has occupied this area since precontact times.

In 1990, human remains representing one individual were recovered by the Nevada Division of Investigations during shallow land leveling operations preparing a hay pad in a sandy area of a privately owned ranch near Yerington, Nevada. The human remains were identified as Native American and turned over to the Nevada State Museum. No known individual was identified. No associated funerary objects are present.

Historic and ethnographic evidence indicates only the Yerington Paiute Tribe has occupied the Yerington area in historic times, and no non-Paiute precontact cultures have been identified within the Yerington area. Oral tradition presented by representatives of the Yerington Paiute Tribe support this conclusion.

At an unknown date, human remains representing one individual were exposed by heavy equipment on the John Connaly (Connolly?) Ranch in Mason Valley, Nevada, and turned over to the Nevada State Museum by an unknown person. No known individual was identified. The 1,870 associated funerary objects include: a leather thong, a rubber shoe fragment, four buttons (two bone, two white glass), three metal shanked buttons, 1,803 glass beads, a brass band (1 by 2 inches) and 57 olivella shell beads.

Morphological evidence indicates this individual is Native American based on biometric attributes, cranial shape, and dental traits. The associated funerary objects indicates this burial dates after 1840, and are consistent with funerary objects present in known Northern Paiute (including Yerington Paiute) historic burials. Consultation evidence presented by representatives of the Yerington Paiute Tribe indicates the area of Connolly Ranch was a burial area for a Yerington Paiute family.

At an unknown date, human remains representing one individual were found by Mr. and Mrs. George Compston, "near Yerington", Nevada and donated to the Nevada State Museum. No known individual was identified. The approximately 3,135 associated funerary

objects include: 3,071 glass trade beads, 60 pine nuts, several twine and cordage fragments, four buttons, and wood fragments.

This individual has identified as Native American based on the associated funerary objects present. The associated funerary objects also indicate this burial dates after 1840, when such objects became locally available with the immigration of American settlers through Nevada. The cloth wrapping, associated beads and pine nuts indicates this was an intentional Northern Paiute burial. Consultation evidence indicates the Yerington Paiute Tribe has occupied this area since precontact times.

Based on the above mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of seven individuals of Native American ancestry. Officials of the Nevada State Museum have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the 5,772 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Nevada State Museum have determined that, pursuant to 25 U.S.C. 3001 (2), and 43 CFR 10.9 (d)(1) there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Yerington Paiute Tribe.

This notice has been sent to officials of the Yerington Paiute Tribe, Fallon Paiute Shoshone Tribes, Washoe Tribe of California and Nevada, Walker River Paiute Tribe, and Pyramid Lake Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Amy Dansie, Nevada Division of Museums and History NAGPRA coordinator, 600 N. Carson, Carson City, Nevada 89710; telephone: (702) 687-4810, extension 245, before March 17, 1997. Repatriation of the human remains and associated funerary objects to the Yerington Paiute Tribe may begin after that date if no additional claimants come forward.

Dated: January 31, 1997.

Veletta Canouts,

*Acting Departmental Consulting Archeologist,
Deputy Manager, Archeology and Ethnography
Program.*

[FR Doc. 97-3683 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-70-F

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects from Kenai, AK, in the Possession of the University of Alaska Museum, Fairbanks, AK

AGENCY: National Park Service, Interior.
ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3003 (d), of the completion of an inventory of human remains and associated funerary objects in the possession of the University of Alaska Museum, Fairbanks, AK.

A detailed assessment of the human remains was made by University of Alaska Museum professional staff in consultation with representatives of the Kenaitze Indian Tribe.

In 1960, human remains representing one individual were recovered from private lands across from the Moose River Bridge and the Sterling Highway, Kenai, AK by Mr. Frederick Hadleigh-West. No known individual was identified. The two associated funerary objects include faunal material and a white clay bead.

Ethnographic evidence and historical documents indicate the area surrounding Kenai, AK, are traditionally associated with the Kenaitze Indian Tribe based on types of associated funerary objects, early written accounts, and oral history. Consultation evidence presented by representatives of the Kenaitze Indian Tribe indicates that this site is located within a known traditional burial area.

Based on the above mentioned information, officials of the University of Alaska Museum have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the University of Alaska Museum have also determined that, pursuant to 25 U.S.C. 3001 (3)(A), the two objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the University of Alaska Museum have determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity which can be reasonably traced between these Native American human remains and associated funerary objects and the Kenaitze Indian Tribe.

This notice has been sent to officials of the Kenaitze Indian Tribe. Representatives of any other Indian tribe

that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Gary Selinger, Special Projects Manager, University of Alaska Museum, 907 Yukon Drive, Fairbanks, AK 99775-1200; telephone: (907) 474-6117, before March 17, 1997. Repatriation of the human remains and associated funerary objects to the Kenaitze Indian Tribe may begin after that date if no additional claimants come forward.

Dated: January 28, 1997.

Michele C. Aubry,

Acting Departmental Consulting Archeologist,

Archeology and Ethnography Program.

[FR Doc. 97-3682 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-70-F

Notice of Intent to Repatriate a Cultural Item from Arizona in the Possession of the Metropolitan Museum of Art, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 25 U.S.C. 3005 (a)(2), of the intent to repatriate a cultural item in the possession of the Metropolitan Museum of Art, New York, NY, which meets the definition of "object of cultural patrimony" under Section 2 of the Act.

The cultural item is an Apache *Gaan* mask of painted wood and cloth.

This mask was collected by E. H. Davis between 1910-1911, and transferred to the Metropolitan Museum of Art from the Museum of Primitive Art in 1978.

The cultural affiliation of this item is San Carlos Apache as verified by the San Carlos Apache Tribe. The Tribe has indicated that this item has ongoing traditional and cultural importance to the tribe and could not have been conveyed by any individual tribal member.

Based on the above mentioned information, officials of the Metropolitan Museum of Art have determined that, pursuant to 25 U.S.C. 3001 (3)(D), this cultural item has ongoing historical, traditional, and cultural importance central to the culture itself, and could not have been alienated, appropriated, or conveyed by any individual. Officials of the Metropolitan Museum of Art have also determined that, pursuant to 25 U.S.C. 3001(2), there is a relationship of shared group identity which can be reasonably traced between this item and the San Carlos Apache Tribe.

This notice has been sent to officials of the Camp Verde Yavapai-Apache Community, the Fort McDowell Mohave-Apache Community, the Payson Tonto Apache Tribe, the San Carlos Apache Tribe, and the White Mountain Apache Tribe. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these objects should contact Julie Jones, Curator in Charge, Department of the Arts of Africa, Oceania, and the Americas, Metropolitan Museum of Art, New York, NY 10028-1098, telephone (212) 570-3705 before March 17, 1997. Repatriation of these objects to the San Carlos Apache Tribe may begin after that date if no additional claimants come forward.

Dated: February 7, 1997.

Francis P. McManamon,

Departmental Consulting Archeologist, Manager, Archeology and Ethnography Program.

[FR Doc. 97-3683 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-70-F

Bureau of Reclamation

Columbia River System Operation Review, Selection of a System Operation Strategy, Record of Decision

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of availability of record of decision.

SUMMARY: The purpose of this notice is to announce the availability of the Record of Decision (signed February 7, 1997) which documents the decision of the Bureau of Reclamation (Reclamation) to implement existing and modified plans related to reservoir regulation and project operation for Hungry Horse (Montana) and Grand Coulee (Washington) projects.

ADDRESSES: Copies of the Record of Decision may be requested from: Regional Director, Bureau of Reclamation, Attention: Catherine Konrath, Pacific Northwest Region, 1150 North Curtis Road, Boise, ID 83706-1234; telephone (208) 378-5008.

Copies of the Record of Decision are available for inspection and review at the following Reclamation offices:

- Commissioners Office, 1849 C Street NW, Room 7627, Washington, DC
- Lower Columbia Area Office, 825 NE Multnomah, Suite 1110, Portland, Oregon
- Upper Columbia Area Office, 1917 Marsh Road, Yakima, Washington
- Grand Coulee Power Office, Grand Coulee, Washington

—Hungry Horse Field Office, Hungry Horse, Montana

FOR FURTHER INFORMATION CONTACT:

Bureau of Reclamation, Pacific Northwest Region, Attention: Catherine Konrath, 1150 North Curtis Road, Boise, Idaho 83706-1234; telephone (208) 378-5008.

SUPPLEMENTARY INFORMATION:

Reclamation, the U.S. Army Corps of Engineers, and the Bonneville Power Administration are responsible for management of the Federal Columbia River Power System. In 1990, the three Federal agencies began the System Operation Review for the purpose of developing and implementing a coordinated system operating strategy for managing the multiple uses of the system while meeting the biological needs of the species protected under the Endangered Species Act. Pursuant to the National Environmental Policy Act of 1969, the selection of the system operation strategy preferred alternative is documented in the Final Environmental Impact Statement, November 1995.

Dated: February 7, 1997.

John W. Keys, III,

Regional Director, Pacific Northwest Region.

[FR Doc. 97-3811 Filed 2-13-97; 8:45 am]

BILLING CODE 4310-94-M

DEPARTMENT OF JUSTICE

Antitrust Division

Proposed Final Judgment and Competitive Impact Statement; United States v. Signature Flight Support Corporation

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States v. Signature Flight Support Corporation*, Civil No. 97-0248. The proposed Final Judgment is subject to approval by the Court after the expiration of the statutory 60-day public comment period and compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h).

On February 3, 1997, the United States filed a Complaint seeking to enjoin a transaction in which Signature Flight Support Corporation ("Signature") agreed to acquire International Aviation Palm Beach, Inc. ("International Aviation"). Signature and International Aviation are two of three fixed base operators ("FBOs")

located at Palm Beach International Airport ("PBI") in West Palm Beach, Florida. FBOs provide terminals, fueling, hangars and other services to general aviation customers, such as businesses and individuals with private planes. Signature's proposed acquisition of International Aviation would have created a duopoly at PBI. The Complaint alleged that the proposed acquisition would substantially lessen competition in providing FBO services, such as jet fueling and hangar and ramp rental space, to general aviation customers at PBI in violation of Section 7 of the Clayton Act, 15 U.S.C. § 18.

The proposed Final Judgment orders Signature to sell certain of its assets and leaseholds of its FBO business at PBI to a purchaser who has the capability to compete effectively in the provision of FBO services to general aviation customers at PBI. The Stipulation also imposes a hold separate agreement that, in essence, requires the defendant to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, Signature's FBO business at PBI will be held separate and apart from, and operated independently of, any of its other FBO assets and businesses. A Competitive Impact Statement filed by the United States describes the Complaint, the proposed Final Judgment, and remedies available to private litigants.

Public comment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the Federal Register and filed with the Court. Written comments should be directed to Roger W. Fones, Chief, Transportation, Energy and Agriculture Section, Antitrust Division, 325 Seventh Street, N.W., Suite 500, Washington, D.C. 20530 (telephone: (202) 307-6351). Copies of the Complaint, Stipulation, proposed Final Judgment and Competitive Impact Statement are available for inspection in Room 215 of the U.S. Department of Justice, Antitrust Division, 325 Seventh Street, N.W., Washington, D.C. 20530 (telephone: (202) 514-2481) and at the office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, N.W., Washington, D.C. 20001.

Copies of any of these materials may be obtained upon request and payment of a copying fee.

Constance K. Robinson,
Director of Operations, Antitrust Division.

United States District Court, District of Columbia

United States of America, Plaintiff, v. Signature Flight Support Corporation, Defendant. Civil Action No. 97-0248

Stipulation and Order

It is stipulated by and between the undersigned parties, by their respective attorneys, as follows:

1. The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the United States District Court for the District of Columbia;

2. The parties stipulate that a Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court;

3. Defendant Signature (as defined in paragraph II.A of the proposed Final Judgment attached hereto) shall abide by and comply with the provisions of the proposed Final Judgment pending entry of the Final Judgment, or until expiration of time for all appeals of any court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Stipulation, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court; provided, however, that Signature shall not be obligated to comply with Sections IV through VIII of the proposed Final Judgment unless and until the closing of any transaction in which Signature directly or indirectly acquires all or any part of the assets or capital stock of International Aviation (as defined in paragraph II.B of the proposed Final Judgment attached hereto);

4. Defendant shall not consummate the transaction before the Court has signed this Stipulation and Order;

5. In the event plaintiff withdraws its consent, as provided in paragraph 2 above, or in the event the proposed Final Judgment is not entered pursuant to this Stipulation, the time has expired for all appeals of any court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, then the parties are released from all further obligations under this Stipulation, and the making of this Stipulation shall be without prejudice to

any party in this or any other proceeding.

6. The defendant represents that the divestiture ordered in the proposed Final Judgment can and will be made, and that the defendant will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained therein.

Dated: February 5, 1997.

For Plaintiff United States of America:

Joel I. Klein,

Acting Assistant Attorney General.

Constance K. Robinson,

Director of Operations

Charles Biggio,

Senior Counsel.

Roger W. Fones,

Chief.

Donna N. Kooperstein,

Ass't Chief.

Kelly Signs, Michele B. Cano, Robert

McGeorge, Michael Harmonis,

Attorneys, U.S. Department of Justice,

Antitrust Division, Transportation, Energy

and Agriculture Department, 325 Seventh

Street, N.W., Suite 500, Washington, D.C.

20530, (202) 307-6475.

For Defendant Signature Flight Support Corporation:

Bruce Van Allen,

Senior Vice President—Operations.

Paul J. Mokris,

General Counsel.

Freeborn & Peters

By: William C. Holmes,

A Member of the Firm, Suite 3000, 311 South

Wacker Driver, Chicago, Illinois 60606-6677,

(312) 360-6000.

So Ordered:

United States District Judge

Dated:

Final Judgment

Whereas, plaintiff, United States of America (hereinafter "United States"), having filed its Complaint herein on February 5, 1997, and plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or an admission by any party with respect to any issue of law or fact herein:

And whereas, defendant has agreed to be bound by the provisions of this Final Judgment pending its approval by the Court;

And whereas, prompt and certain divestiture is the essence of this agreement to assure that competition is not substantially lessened; And

Whereas, plaintiff requires defendant to make this divestiture for the purpose

of remedying the loss of competition alleged in the complaint;

And whereas, defendant has represented to plaintiff that the divestiture required below can and will be made and that defendant will later raise no claims of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below:

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties thereto, it is hereby

Ordered, Adjudged and Decreed as follows:

I. Jurisdiction

This Court has jurisdiction over the subject matter of this action and over each of the parties hereto. The Complaint states a claim upon which relief may be granted against defendant under Section 7 of the Clayton Act, as amended (15 U.S.C. § 18).

II. Definitions

As used in this Final Judgment:

A. "Signature" means Signature Flight Support Corporation, a Delaware corporation with its headquarters in Orlando, Florida, and includes its successors and assigns, its parents, subsidiaries, affiliates, and directors, officers, managers, agents, and employees acting for or on behalf of any of them.

B. "International Aviation" means International Aviation Palm Beach, Inc., a Florida corporation with its headquarters in West Palm Beach, Florida, and includes its successors and assigns, its parents, subsidiaries, affiliates, and directors, officers, managers, agents, and employees acting for or on behalf of any of them.

C. "The Assets to be Divested" means all rights, titles and interests, including all fee, leasehold and real property rights, in the following assets, owned or controlled by Signature, that are used by Signature to provide fuel and other services to general aviation customers at PBI Airport:

1. The existing Signature terminal and office building (building #1626), as shown on the attached map.

2. Approximately 71,000 square feet of hangar space, consisting of the existing Signature hangar buildings #1625, 1627, 1628 and 1629.

3. The existing Signature fuel farm adjacent to Signature hangar building #1627, consisting of approximately one-half acre, as shown on the attached map.

4. Approximately 23.5 acres of ramp space adjacent to the foregoing

buildings, as shown on the attached map.

5. Approximately 2.5 acres of parking space, as shown on the attached map.

6. Existing office furniture, lobby furniture, phone system, radios, television, towing equipment, golf carts, pickup truck, refuellers, ground power units and other equipment and supplies necessary and appropriate to provide a viable FBO at the foregoing facilities.

7. Contracts (including, but not limited to, customer contracts) and customer lists.

D. "PBI Airport" means Palm Beach International Airport, located in West Palm Beach, Florida.

E. "FBO" means any or all services related to providing fixed based operator services, including, but not limited to, selling fuel, leasing hangar, ramp and office space, providing flight support services, performing maintenance, providing access to terminal facilities, or arranging for ancillary services such as limousines, rental cars or hotels.

III. Applicability

A. The provisions of this Final Judgment shall apply to defendant, its successors and assigns, parents, subsidiaries, affiliates, directors, officers, managers, agents, and employees, and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

B. Defendant shall require, as a condition of the sale or other disposition of all or substantially all of the assets of its business, that the purchaser of such assets agree to be bound by the provisions of the Final Judgment; provided however, that defendant need not obtain such an agreement from the acquirer of The Assets to be Divested in the divestiture contemplated herein.

IV. Divestiture of the Assets To Be Divested

A. Defendant is hereby ordered and directed in accordance with the terms of this Final Judgment, within one hundred and eighty (180) calendar days of the filing of this Final Judgment, or within five (5) business days after notice of entry of this Final Judgment, whichever is later, to divest The Assets to be Divested to a purchaser acceptable to the plaintiff, in its sole discretion.

B. Divestiture of Signature's leasehold interest in any of The Assets to be Divested shall be by transfer of the entire leasehold interest which shall be for the entire remaining term of such

leasehold including all renewal or option rights.

C. Defendant shall use its best efforts and take all reasonable steps to accomplish the divestiture as expeditiously as possible. If defendant has not accomplished the required divestiture within the one hundred and eight (180) calendar day period specified in section IV.A, the plaintiff may, in its sole discretion, extend the time period for two (2) additional periods of time, not to exceed ninety (90) calendar days in total.

D. In accomplishing the divestiture ordered by this Final Judgment, defendant promptly shall make known, by usual and customary means, the availability for sale of The Assets to be Divested. Defendant shall notify any person making an inquiry regarding the possible purchase of The Assets to be Divested that the sale is being made pursuant to this Final Judgment and provide such person with a copy of the Final Judgment. Defendant shall make known to any person making an inquiry regarding a possible purchase of The Assets to be Divested that the assets described in Section II.C. are being offered for sale. Defendant shall also offer to furnish to all bona fide prospective purchasers of The Assets to be Divested, subject to customary confidentiality assurances, all information regarding The Assets to be Divested customarily provided in a due diligence process, except information subject to attorney-client privilege or attorney work product privilege. Defendant shall make available such information to the plaintiff at the same time that such information is made available to any other person. Subject to customary confidentiality assurance, defendant shall permit prospective purchasers of The Assets to be Divested to have access to its personnel, to make inspection of The Assets to be Divested, and to have access to financial, operational, and other documents and information relating to The Assets to be Divested, as customarily provided as part of a due diligence process.

E. Unless the United States otherwise consents in writing, the divestiture pursuant to Section IV.A, or by the trustee appointed pursuant to Section V of this Final Judgment, shall include all of The Assets to be Divested and be accomplished by selling or otherwise conveying The Assets to be Divested to a purchaser in such a way as to satisfy the United States, in its sole discretion, that The Assets to be Divested can and will be used by the purchaser as part of a viable, ongoing business engaged in the provision of FBO services at PBI. The divestiture, whether pursuant to

Section IV or Section V of this Final Judgment, shall be made to a purchaser for whom it is demonstrated to the United States' sole satisfaction, that: (1) the purchaser has the capability and intent of competing effectively in the provision of FBO services at PBI; (2) the purchaser has or soon will have the managerial, operational, and financial capability to compete effectively in the provision of FBO services at PBI; and (3) none of the terms of any agreement between the purchaser and defendant give defendant the ability unreasonably to raise the purchaser's costs, to lower the purchaser's efficiency, or otherwise to interfere in the ability of the purchaser to compete effectively in the provision of FBO service at PBI.

V. Appointment of Trustee

A. In the event that defendant has not divested The Assets to be Divested within the time specified in Sections IV.A or IV.C of this Final Judgment, the Court shall appoint, on application of the United States, a trustee selected by the United States to effect the divestiture of The Assets to be Divested.

B. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell The Assets to be Divested. The trustee shall have the power and authority to accomplish the divestiture at the best price then obtainable upon a reasonable effort by the trustee, subject to the provisions of Sections V and VI of this Final Judgment, and shall have such other powers as the Court shall deem appropriate. Subject to Section V.C. of this Final Judgment, the trustee shall have the power and authority to hire at the cost and expense of defendant any investment bankers, attorneys, or other agents reasonably necessary in the judgment of the trustee to assist in the divestiture, and such professionals and agents shall be accountable solely to the trustee. The trustee shall have the power and authority to accomplish the divestiture at the earliest possible time to a purchaser acceptable to the United States, and shall have such other powers as this Court shall deem appropriate. Defendant shall not object to a sale by the trustee on any grounds other than the trustee's malfeasance. Any such objections by defendant must be conveyed in writing to plaintiffs and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section VI of this Final Judgment.

C. The trustee shall serve at the cost and expense of defendant, on such terms and conditions as the Court may prescribe, and shall account for all monies derived from the sale of the

assets sold by the trustee and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to defendant and the trust shall then be terminated. The compensation of such trustee and of any professionals and agents retained by the trustee shall be reasonable in light of the value of The Assets to be Divested and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestiture and the speed with which it is accomplished.

D. Defendant shall use its best efforts to assist the trustee in accomplishing the required divestiture. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, book, records, and facilities of defendant, and defendant shall develop financial or other information relevant to such assets as the trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information. Defendant shall take no action to interfere with or to impede the trustee's accomplishment of the divestiture.

E. After its appointment, the trustee shall file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish the divestiture ordered under this Final Judgment. If the trustee has not accomplished such divestiture within six (6) months after its appointment, the trustee thereupon shall file promptly with the Court a report setting forth (1) the trustee's efforts to accomplish the required divestiture, (2) the reasons, in the trustee's judgment, that the required divestiture has not been accomplished, and (3) the trustee's recommendations; provided, however, that to the extent such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the parties, who shall each have the right to be heard and to make additional recommendations consistent with the purpose of the trust. The Court shall enter thereafter such orders as it shall deem appropriate in order to carry out the purpose of the trust, which may, if necessary, include extending the trust and the term of the trustee's appointment by a period requested by the plaintiffs.

VI. Notification

Within two (2) business days following execution of a definitive agreement, contingent upon compliance with the terms of this Final Judgment, to effect, in whole or in part, any proposed divestiture pursuant to Section IV or V of this Final Judgment, defendant or the trustee, whichever is then responsible for effecting the divestiture, shall notify plaintiff of the proposed divestiture. If the trustee is responsible, it shall similarly notify defendant. The notice shall set forth the details of the proposed transaction and list the name, address, and telephone number of each person not previously identified who offered to, or expressed an interest in or a desire to, acquire any ownership interest in the assets that are the subject of the binding contract, together with full details of same. Within fifteen (15) calendar days of receipt by plaintiff of such notice, plaintiff may request from defendant, the proposed purchaser, any other third party, or the trustee if applicable additional information concerning the proposed divestiture and the proposed purchaser. Defendant and the trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after plaintiff has been provided the additional information requested from defendant, the proposed purchaser, any third party, and the trustee, whichever is later, the United States shall provide written notice to defendant and the trustee, if there is one, stating whether or not it objects to the proposed divestiture. If the United States provides written notice to defendants and the trustee that it does not object, then the divestiture may be consummated, subject only to defendant's limited right to object to the sale under Section V.B of this Final Judgment. Absent written notice that the United States does not object to the proposed purchaser or upon objection by the United States, a divestiture proposed under Section IV shall not be consummated. Upon objection by the United States, or by defendant under the proviso in Section V.B, a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Affidavits

A. Within twenty (20) calendar days of the closing of any transaction in which signature directly or indirectly acquires all or any part of the assets or

capital stock of International Aviation, and every thirty (30) calendar days thereafter until the divestiture has been completed whether pursuant to Section IV or Section V of this Final Judgment, defendant shall deliver to plaintiff an affidavit as to the fact and manner of defendant's compliance with Section IV or V of this Final Judgment. Each such affidavit shall include, inter alia, the name, address, and telephone number of each person who, at any time after the period covered by the last such report, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in The Assets to be Divested, and shall describe in detail each contact with any such person during that period.

B. Within twenty (20) calendar days of the filing of this Final Judgment, defendant shall deliver to plaintiff an affidavit which describes in detail all actions defendant has taken and all steps defendant has implemented on an on-going basis to preserve The Assets to be Divested pursuant to Section IX of this Final Judgment and describes the functions, duties and actions taken by or undertaken at the supervision of the individual(s) described at Section IX.H of this Final Judgment with respect to defendant's efforts to preserve The Assets to be Divested. The affidavit also shall describe, but not be limited to, defendant's efforts to maintain and operate The Assets to be Divested as an active competitor, maintain the management, sales, marketing and pricing of The Assets to be Divested apart from that of defendant's other businesses that provide FBO services, maintain and increase sales of defendant's FBO operation at PBI, and maintain The Assets to be Divested in operable condition, continuing normal maintenance. Defendant shall deliver to plaintiff an affidavit describing any changes to the efforts and actions outlined in defendant's earlier affidavit(s) filed pursuant to this Section within fifteen (15) calendar days after the change is implemented.

C. Defendant shall preserve all records of all efforts made to preserve and divest The Assets to be Divested.

VIII. Financing

Defendant shall not finance all or any part of any divestiture made pursuant to Sections IV or V of this Final Judgment without the prior written consent of the United States.

IX. Preservation of Assets

Until the divestiture required by the Final Judgment has been accomplished:

A. Defendant shall take all steps necessary to ensure that The Assets to be Divested will be maintained and operated as an ongoing, economically viable and active competitor in the provision of FBO services; and that, except as necessary to comply with Sections IX to IX.H of this Final Judgment, the management of The Assets to be Divested shall be kept separate and apart from the management of defendant's other FBO operations and will not be influenced by defendant, and the books, records, and competitively sensitive sales, marketing and pricing information associated with The Assets to be Divested will be kept separate and apart from that of defendant's other businesses that provide FBO services.

B. Defendant shall take all steps necessary to ensure that The Assets to be Divested are fully maintained in operable condition and shall maintain and adhere to normal maintenance schedules for The Assets to be Divested.

C. Defendant shall provide and maintain sufficient sources of credit to maintain The Assets to be Divested as a viable, ongoing business.

D. Defendant shall provide and maintain sufficient working capital to maintain The Assets to be Divested as a viable, ongoing business.

E. Defendant shall not, except as part of a divestiture approved by the United States, remove, sell, or transfer any of The Assets to be Divested, other than sales in the ordinary course of business.

F. Unless it has obtained the prior approval of the United States, defendant shall not terminate or reduce the current employment, salary, housing, or benefit arrangements for any personnel employed by defendant who work at, or have managerial responsibility for, The Assets to be Divested, except in the ordinary course of business.

G. Defendant shall take no action that would jeopardize its ability to divest The Assets to be Divested as a viable, ongoing business.

H. Defendant shall appoint a person or persons to oversee The Assets to be Divested, and who will be responsible for defendant's compliance with Section IX of this Final Judgment.

X. Compliance Inspection

Only for the purposes of determining or securing compliance with the Final Judgment and subject to any legally recognized privilege, from time to time:

A. Duly authorized representatives of the plaintiff, including consultants and other persons retained by the United States, upon written request of the Assistant Attorney General in charge of the Antitrust Division, and on

reasonable notice to defendant made to its principal offices, shall be permitted:

(1) Access during office hours of defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or under the control of defendant, who may have counsel present, relating to enforcement of this Final Judgment; and

(2) Subject to the reasonable convenience of defendant and without restraint or interference from it, to interview its officers, employees, and agents, who may have counsel present, regarding any such matters.

B. Upon the written request of the Assistant Attorney General in charge of the Antitrust Division made to defendant's principal offices, defendant shall submit such written reports, under oath is requested, with respect to enforcement of this Final Judgment.

C. No information or documents obtained by the means provided in Section VII or X of this Final Judgment shall be divulged by a representative of the plaintiff to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the plaintiff is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by defendant to plaintiff, defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) calendar days notice shall be given by plaintiff to defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. Retention of Jurisdiction

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Final Judgment, for the modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violations hereof.

XII. Termination

Unless this Court grants an extension, this Final Judgment will expire on the tenth anniversary of the date of its entry.

XIII. Public Interest

Entry of this Final Judgment is in the public interest.

Dated: _____

United States District Judge

This page could not be reprinted in the Federal Register, however, it may be inspected in Suite 215, U.S. Department of Justice, Legal Procedures Unit, 325 7th St., N.W., Washington, D.C. at (202) 514-2481 and at the Office of the Clerk of the United States Court for the District of Columbia.

Competitive Impact Statement

The United States, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act ("APPA"), 15 U.S.C. §§ 16(b)-(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On February 5, 1997, the United States filed a Complaint alleging that the proposed acquisition of International Aviation Palm Beach, Inc. (hereinafter "International Aviation") by Signature Flight Support Corporation, (hereinafter "Signature") would violate Section 7 of the Clayton Act, 15 U.S.C. § 18. The Complaint alleges that Signature and International Aviation are two of three providers of fixed base operator ("FBO") services for general aviation customers at Palm Beach International airport ("PBI") located in West Palm Beach, Florida, and that this transaction will combine them. Signature and International Aviation compete head-to-head on price and quality of services to general aviation customers. This acquisition would eliminate this competition, reducing the number of competitors from three to two, creating a FBO duopoly at PBI. As a result, the effect of the merger would be to give Signature the market power to raise prices and lower the quality of services to PBI general aviation customers. The merger would also make coordinated behavior by Signature and Jet Aviation (the other remaining FBO) easier, resulting in higher prices. Thus, the proposed acquisition is likely to lessen competition substantially in the market for FBO services at PBI in violation of Section 7 of the Clayton Act, as amended, 15 U.S.C. § 18. The prayer for relief in the Complaint seeks (1) a judgment that the proposed acquisition would violate Section 7 of the Clayton Act; and (2) a preliminary and

permanent injunction preventing Signature and International Aviation from consummating the proposed acquisition.

At the same time the Complaint was filed, the United States also filed a proposed settlement that would permit Signature to complete its acquisition of International Aviation, but requires a divestiture that would preserve competition for general aviation customers at PBI. This settlement consists of a Stipulation and Order, and a proposed Final Judgment.

The proposed Final Judgment orders Signature to sell certain FBO assets (hereinafter "The Assets to be Divested") to a purchaser who has the capability to compete effectively in the provision of FBO services to general aviation customers at PBI. The Assets to be Divested include Signature's terminal building, four hangars, a fuel farm, and adjacent ramp and parking space. Signature must complete the divestiture of these FBO assets before the later of one hundred and eighty (180) calendar days after the consummation of the proposed acquisition of International Aviation of five (5) days after entry of the Final Judgment, in accordance with the procedures specified in the proposed Final Judgment. If Signature should fail to accomplish the divestiture, a trustee appointed by the Court would be empowered to divest these assets.

The Stipulation and Order and the proposed Final Judgment also impose a hold separate agreement that requires defendant to ensure that, until the divestiture mandated by the Final Judgment has been accomplished, The Assets to be Divested will be held separate and apart from, and operated independently of, Signature's other FBO assets and businesses.

The United States and Signature have stipulated that the proposed Final Judgment may be entered after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce the provisions of the proposed Final Judgment and to punish violations thereof.

II. Events Giving Rise to the Alleged Violation

A. The Parties and the Proposed Transaction

On March 22, 1996, Signature, International Aviation, International Aviation Teterboro Inc. and IAS Holdings, Inc. (the parent of International Aviation and International

Aviation Teterboro, Inc.) entered into an agreement under which Signature would seek to acquire the assets of the three companies for approximately \$18 million.

Signature is a wholly owned subsidiary of BBA Group PLC, a British holding company. Signature is a Delaware corporation with its principal place of business in Orlando, Florida. Signature operates a nationwide network of 34 FBOs throughout the United States, including one at PBI. Signature's total revenues for fiscal year 1995 were \$233 million.

International Aviation operates an FBO at PBI airport in West Palm Beach, Florida, International Aviation is a subsidiary of IAS Holdings, Inc., which, in conjunction with its subsidiary International Aviation Teterboro, Inc., also operates FBO facilities at Westchester County (NY) airport, and Teterboro (NJ) airport.

B. The FBO Services Market

FBOs are facilities located at commercial airports that provide flight support services, including aircraft fueling, ramp and hangar rentals, office space rentals, and other services to general aviation customers. General aviation customers include charter, private and corporate aircraft operators, as distinguished from scheduled commercial airlines. Last year, general aviation customers purchased around \$1 billion of jet fuel from FBOs nationwide.

FBO services include sales of jet aviation ("Jet A") fuel and aviation gasoline ("avgas"), and ramp, hangar and office space rental. FBOs do not charge separately for many services offered to general aviation customers, such as use of customer and pilot lounges, baggage handling, and flight planning support; rather, they recover the costs for these services in the price that they charge for fuel. There are some services for which FBOs do charge separately, such as hangar rental, office space rental, ramp parking fees, catering, cleaning the aircraft, arranging ground transportation and maintenance on the aircraft. General aviation customers generally buy fuel from the same FBO from which they obtain other services.

The largest source of revenue for an FBO is its fuel revenues. FBOs sell Jet A fuel for jet aircraft, turboprops and helicopters, and avgas for smaller, piston driven planes. In 1995, Jet A fuel sales at PBI were approximately \$15 million; avgas sales were less than \$1 million. Revenues for hangar rentals and parking fees at PBI in 1995 were approximately \$1 million.

The Complaint alleges that the provision of FBO services to general aviation customers at PBI is a relevant market (i.e., a line of commerce and a section of the country) under Section 7 of the Clayton Act. General aviation customers cannot obtain fuel, hangar, ramp and other services offered at PBI, except through an FBO authorized to sell such products and services by the local airport authority. Thus, general aviation customers have no alternatives to FBOs for these products and services when they land at PBI.

FBOs at other airports would not provide economically practical alternatives for general aviation customers who currently use PBI. Although there are a number of smaller airports in the region, they are not economically viable substitutes for PBI general aviation customers. General aviation customers use PBI because of its location, convenience and facilities. General aviation customers have chosen PBI because of its proximity to their ultimate destination (whether their residence, business or other place); using a different airport would significantly increase their driving time. PBI has facilities that other airports lack: longer runways, precision instrument landing capability, a 24-hour landing tower, and a U.S. Customs facility. Because of these and other factors, there are not enough general aviation customers who have selected PBI as their airport who would switch to other airports to prevent anticompetitive price increases for fuel and other services at PBI resulting from this acquisition.

In addition, post-acquisition price increases at PBI for fuel would not be prevented by efforts of general aviation customers to decrease fuel purchases at PBI by increasing fuel purchases at airports outside the region. Carrying more fuel than is necessary to reach the next destination is referred to in the industry as "tankering." Most pilots tanker to some extent in response to fuel prices; that is, they buy more fuel at their origin if it is significantly cheaper so they can buy less at their destination (or vice versa). Tankering, however, would prevent a post-merger fuel price increase only if it would increase significantly after the merger, resulting in significant lost fuel sales at PBI. For a number of reasons, PBI general aviation customers are not likely to change their current tankering practices enough to prevent a post-merger fuel price increase at PBI. First, tankering is not possible on all flights, particularly on those that are near the aircraft's maximum range. Second, some pilots are unwilling to carry around excess fuel due to safety concerns. Third,

tankering itself is costly: fuel is heavy and the extra weight requires that more fuel be burned, and there is additional wear and tear on the engine and landing gear. These added costs mean that only large fuel price differences can induce tankering.

Available data confirmed that tankering is unlikely to prevent a post-merger fuel price increase at PBI. Using information on average prices and quantities of jet fuel sold at PBI, we estimated the elasticity of demand for Jet A fuel at PBI. The demand for Jet A fuel at PBI is inelastic. The elasticity was estimated to be about .7, which indicates that tankering, and all other forms of substitution, would not lead to a fuel sales decrease at PBI sufficient to deter a price increase.

C. Competition Between Signature and International Aviation

Signature and International Aviation are direct competitors in the provision of FBO services to general aviation customers at PBI. All three FBOs at PBI compete over price and service packages.

General aviation customers have benefited from competition between Signature and International Aviation at PBI, receiving lower prices and improved FBO services. The elimination of this competition would reduce competition significantly in the market for FBO services to general aviation customers at PBI. Because Signature and International Aviation's facilities are close competitive alternatives for a substantial number of general aviation customers at PBI, competition between these FBOs limits the ability of each FBO to raise prices. This merger would eliminate the price constraining impact each has on the other.

In addition, as a result of Signature's acquisition of International Aviation, a duopoly would be created at PBI, making it easier for the two remaining firms to coordinate with one another and raise prices and lower the quality of FBO services to general aviation customers at PBI.

New entry is not likely to check Signature's ability to raise prices or reduce service as a result of the acquisition. The airport has set aside land for an additional FBO. Although that site is currently in use as the airport's antennae farm, the antennae farm could, at a cost, be relocated. There are additional sunk costs of entering, including costs associated with construction of ramp, terminal, hangar and fueling facilities. In this case, all of this necessary preparation could be completed within a reasonable period of time; that is, there are no

insurmountable obstacles to timely entry. That new entry could occur within a reasonable period of time, however, is a necessary but not sufficient condition for new entry to prevent the anticompetitive effects of the merger.

The ultimate issue is whether a firm would enter the market on a scale sufficient to cause prices to fall to pre-merger levels. The answer depends not only on whether entry on that scale is possible, but whether it would be profitable in the post-acquisition environment. Here, after taking into account the sunk costs required for entry on the airport, the likely margins an entrant would earn over time at pre-merger prices, and the discount or "hurdle" rates typically used in the FBO industry to make similar investment decisions, it appears that entry at PBI would be profitable only if the entrant could build a significantly smaller facility but still achieve a market share similar to that of the three current competitors, all without significantly underpricing its PBI rivals. Because an entrant is not likely to be able to lure customers away from incumbents without offering significant discounts or providing a better facility, post-merger entry is unlikely to occur at PBI.

D. Anticompetitive Consequences of the Acquisition

The Complaint alleges that the combination of Signature and International Aviation would substantially increase concentration in the market for the provision of FBO services at PBI, using the Herfindahl-Hirschman Index ("HHI")¹ as a measure of market concentration. The post-merger HHI, based on Jet A gallons sold in 1995 at PBI, would be approximately 5450 with a change in HHI of about 2000 points. For that year, International Aviation sold approximately 40% of the throughput at PBI, and Signature accounted for approximately 25% of sales. If the proposed acquisition were consummated, the combined company

¹ The Herfindahl-Hirschman Index, or "HHI," is a commonly accepted measure of market concentration. It is calculated by squaring the market share of each firm competing in the market and then summing the resulting numbers. For example, for a market consisting of four firms with shares of thirty, thirty, twenty, and twenty percent, the HHI is 2600 ($30^2+30^2+20^2+20^2=2600$). The HHI takes into account the relative size and distribution of the firms in a market and approaches zero when a market consists of a large number of firms of relatively equal size. The HHI increases both as the number of firms in the market decreases and as the disparity in size between those firms increases. Markets in which the HHI is between 1000 and 1800 are considered to be moderately concentrated, and those in which the HHI is in excess of 1800 points are considered to be concentrated.

would account for 65% of the jet fuel sales at PBI.

The Complaint further alleges that the acquisition of International Aviation by Signature would substantially lessen competition. The transaction would have the following effects, among others:

1. actual competition between Signature and International Aviation in the market for FBO services at PBI will be eliminated;
2. competition generally in the market for FBO services at PBI is likely to be substantially lessened;
3. prices for fuel sold to general aviation customers at PBI are likely to increase.

Several sources of data were examined in this case to determine the likely effect of reducing the number of FBOs at PBI from three to two. Using estimates of the PBI Jet A fuel demand elasticity and other information, a standard economic model of competition among sellers of differentiated products predicted an overall average increase in the price of Jet A fuel at PBI on the order of four percent in the event that the merger were allowed to occur without a divestiture. Also, an analysis of margins earned by Signature at its many different airports suggested that reducing the number of competitors from three to two tends to increase average price by about five percent.

III. Explanation of the Proposed Final Judgment

The United States brought this action because the effect of the acquisition of International Aviation by Signature may be substantially to lessen competition, in violation of Section 7 of the Clayton Act, in the market for FBO services to general aviation customers at PBI. The risk to competition posed by this acquisition, however, would be eliminated if certain assets and leases currently held by Signature to operate its PBI FBO business were sold and assigned to a purchaser that could operate them as an active, independent and financially viable competitor. To this end, the provisions of the proposed Final Judgment are designed to accomplish the sale and assignment of certain assets and leaseholds to such a purchaser and thereby prevent the anticompetitive effects of the proposed acquisition.

Section IV of the proposed Final Judgment requires defendant Signature, within one hundred and eighty (180) calendar days after acquiring International Aviation, to divest the bulk of its FBO business, as set out in Section II.C (hereinafter "The Assets to

be Divested") of the proposed Final Judgment. Unless the United States otherwise consents in writing, Signature is required to divest its interests in its terminal building, four hangars, its fuel farm, and ramp and parking space adjacent to these facilities. In addition, Signature shall divest such equipment and supplies as is necessary and appropriate to operate a viable FBO at PBI. Finally, Signature shall transfer its contracts, including customer contracts, and customer lists, for providing FBO services at PBI.

Divestiture of the assets and leaseholds will cure the potential anticompetitive consequences of Signature's acquisition of International Aviation. The Assets to be Divested include all the ramp, hangar, terminal, parking, and fuel farm assets that have been used by Signature in providing FBO services at PBI. Together with the equipment, supplies and customer contracts and lists, these assets will give a qualified purchaser the means to establish itself as a competitive alternative to Signature and Jet Aviation. Thus, as a result of the divestiture required by the proposed Final Judgment, general aviation consumers at PBI will continue to have a choice among three competitive FBOs.

Under the proposed Final Judgment, Signature must take all reasonable steps necessary to accomplish quickly the divestiture of The Assets to be Divested, and shall cooperate with bona fide prospective purchasers by supplying all information relevant to the proposed sale. Should Signature fail to complete its divestiture within one hundred and eighty (180) calendar days, the Court will appoint, pursuant to Section V, a trustee to accomplish the divestiture. The United States will have the discretion to delay the appointment of the trustee for up to an additional three months should it appear that the assets can be sold in the extended time period.

Following the trustee's appointment, only the trustee will have the right to sell the divestiture assets, and defendant Signature will be required to pay for all of the trustee's sale-related expenses. The trustee's compensation will be structured so as to provide an incentive for the trustee to obtain the highest price for the assets to be divested, and to accomplish the divestiture as quickly as possible.

Section VI of the proposed Final Judgment would assure the United States an opportunity to review any proposed sale, whether by Signature or by the trustee, before it occurs. Under this provision, the United States is entitled to receive complete information regarding any proposed sale or any

prospective purchaser prior to consummation. Upon objection by the United States to a sale of the divestiture assets by the defendant Signature, a proposed divestiture may not be completed. Should the United States object to a sale of the divested assets by the trustee, that sale shall not be consummated unless approved by the Court.

Pursuant to Section V.E, should the trustee not accomplish the divestiture within six months of appointment, the trustee and the parties will make recommendation to the Court, which shall enter such orders as it deems appropriate to carry out the purpose of the trust, which may include extending the trust of the term of the trustee's appointment.

Under Section IX of the proposed Final Judgment, defendant Signature must take certain steps to ensure that, until the required divestiture has been completed, the divestiture assets will be maintained as a separate, ongoing, viable business and kept distinct from Signature's other FBO operations. Until such divestiture, Signature must also continue to maintain and operate the divestiture assets as a viable, independent competitor at PBI, using all reasonable efforts to maintain and increase sales of FBO services to general aviation customers. Signature must maintain the business, so that it continues to be stable, including maintaining all records, loans, and personnel necessary for its operation.

Section X requires the defendant to make available, upon request, the business records and the personnel of its business. This provision allows the United States to inspect its facilities and ensure that the defendant is complying with the requirements of the proposed Final Judgment. Section XII of the proposed Final Judgment provides that it will expire on the tenth anniversary of its entry by the Court.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. § 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of Section 5(a) of the Clayton Act, 15 U.S.C. § 16(a), the proposed Final Judgment has no *prima facie* effect in any subsequent private

lawsuit that may be brought against the defendant.

V. Procedure for Commenting on the Proposed Final Judgment

The United States and defendant have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry upon the Court's determination that the proposed Final Judgment is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the Federal Register. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Final Judgment at any time prior to entry. The comments and the response of the United States will be filed with the Court and published in the Federal Register.

Written comments should be submitted to: Roger W. Fones, Chief, Transportation, Energy & Agriculture Section, Antitrust Division, 325 Seventh Street, N.W., Suite 500, Washington, D.C. 20530.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits of its Complaint against Signature. The United States is satisfied, however, that the divestiture of the assets and other relief contained in the proposed Final Judgment will preserve viable competition in the provision of FBO services to general aviation customers at PBI that otherwise would be affected adversely by the acquisition. Thus, the compliance with the proposed Final Judgment and the completion of the sale required by the Judgment would achieve the relief the government would have obtained through litigation, but avoids the time, expense, and uncertainty of a full trial on the merits of the government's Complaint.

VII. Standard of Review Under the APPA For Proposed Final Judgment

The APPA requires that proposed consent judgments in antitrust cases

brought by the United States be subject to a sixty (60) day comment period, after which the court shall determine whether entry of the proposed Final Judgment "is in the public interest." In making that determination, the court may consider—

(1) the competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) the impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the complaint including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. § 16(e). As the United States Court of Appeals for the D.C. Circuit has held, this statute permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. See *United States v. Microsoft*, 56 F.3d 1448, 1461–62 (D.C. Cir. 1995).

In conducting this inquiry, "the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process."² Rather,

Absent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. Mid-America Dairymen, Inc., 1977–1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not "engage in an

² 119 Cong. Rec. 24598 (1973). See *United States v. Gillette Co.*, 406 F. Supp. 713, 715 (D. Mass. 1975). A "public interest" determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. § 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. See H.R. Rep. 93–1463, 93rd Cong. 2d Sess. 8–9, reprinted in (1974) U.S. Code Cong. & Ad. News 6535, 6538.

unrestricted evaluation of what relief would best serve the public." *United States v. BNS, Inc.*, 858 F.2d 456, 462 (9th Cir. 1988), quoting *United States v. Bechtel Corp.*, 648 F.2d 660, 666 (9th Cir.), cert. denied, 454 U.S. 1083 (1981); see also *Microsoft*, 56 F.3d at 1460–62. Precedent requires that

The balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is "within the reaches of the public interest." More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.³

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. "[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest.' (citations omitted)."⁴

VIII. Determinative Materials and Documents

There are no materials or documents that the United States considered to be determinative in formulating this proposed Final Judgment. Accordingly, none are being filed with this Competitive Impact Statement.

Dated: February 5, 1997.

³ *United States v. Bechtel*, 648 F.2d at 666 (citations omitted) (emphasis added); see *United States v. BNS, Inc.*, 858 F.2d at 463; *United States v. National Broadcasting Co.*, 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *United States v. Gillette Co.*, 406 F. Supp. at 716; see also *Microsoft*, 56 F.3d at 1461 (whether "the remedies [obtained in the decree are] so inconsonant with the allegations charged as to fall outside of the 'reaches of the public interest.'" (citations omitted).

⁴ *United States v. American Tel. and Tel. Co.*, 552 F. Supp. 131, 150 (D.D.C. 1982), *aff'd sub nom, Maryland v. United States*, 460 U.S. 1001 (1983), quoting *United States v. Gillette Co.*, supra, 406 F. Supp. at 716; *United States v. Alcan Aluminum, Ltd.*, 605 F. Supp. 619, 622 (W.D. Ky. 1985).

Respectfully submitted,
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 McGeorge, Michael Harmonis,
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 [FR Doc. 97-3698 Filed 2-13-97; 8:45 am]
BILLING CODE 4410-11-M

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By Notice dated October 21, 1996, and published in the Federal Register on November 29, 1996, (61 FR 60729), Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810, made application by renewal to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Methaqualone (2565)	I.
Dimethyltryptamine (7435)	I.
Amphetamine (1100)	II.
Methamphetamine (1105)	II.
Pentobarbital (2270)	II.
Secobarbital (2315)	II.
Phencyclidine (7471)	II.
Cocaine (9041)	II.
Codeine (9050)	II.
Benzoyllecgonine (9180)	II.
Methadone (9250)	II.
Morphine (9300)	II.
Fentanyl (9801)	II.

No comments or objections have been received. DEA has considered the factors in Title 21, United States Code, Section 823(a) and determined that the registration of Cambridge Isotope Lab to import the listed controlled substances is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: January 27, 1997.
 Gene R. Haislip,
*Deputy Assistant Administrator, Office of
 Diversion Control, Drug Enforcement
 Administration.*
 [FR Doc. 97-3795 Filed 2-13-97; 8:45 am]
BILLING CODE 4410-09-M

Anibal P. Herrera, M.D.; Continuation of Registration with Restriction; Correction

January 31, 1997.

In notice document 96-31252 appearing on page 65075 in the issue of Tuesday, December 10, 1996, make the following correction:

On page 65075 at the top of page (Docket No. 94-41) should read (Docket No. 94-80).

James S. Milford,
Acting Deputy Administrator.
 [Fr Doc. 97-3796 Filed 2-13-97; 8:45 am]
BILLING CODE 4410-09-M

Office of Justice Programs

[OJP (OVC) No. 1105]

RIN 1121-AA30

Victims of Crime Act Victim Compensation Grant Program

AGENCY: Office of Justice Programs,
 Office for Victims of Crime, Justice.

ACTION: Final Program Guidelines.

SUMMARY: The Office for Victims of Crime (OVC), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) is publishing Final Program Guidelines to implement the victim compensation grant program as authorized by the Victims of Crime Act of 1984, as amended, 42 U.S.C. 10601, *et seq.* (hereafter referred to as VOCA).

EFFECTIVE DATE: From October 1, 1996 (Federal Fiscal Year 1997 VOCA grant program), until further revised by OVC.

FOR FURTHER INFORMATION CONTACT: Jackie McCann Cleland, Director, State Compensation and Assistance Division, 633 Indiana Avenue NW., Washington, DC 20531; telephone number (202) 307-5983. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: VOCA provides federal financial assistance to states for the purpose of compensating and assisting victims of crime, providing funds for training and technical assistance, and assisting victims of federal crimes.

These Final Program Guidelines provide information on the administration and implementation of the VOCA victim compensation grant program as authorized in Section 1403 of VOCA, Public Law 98-473, as amended, codified at 42 U.S.C. 10602 and 10603b, and contain the following information: Summary of the Comments on the Proposed Program Guidelines; Background; Funding Allocation and Application Process; Program Requirements; Financial Requirements; Monitoring; and Suspension and

Termination of Funding. These Final Program Guidelines are based on the experience gained and legal opinions rendered since the inception of the grant program in 1986, and are in accordance with VOCA. These Final Program Guidelines are all inclusive. Thus, they supersede any Guidelines previously issued by OVC.

The Office of Justice Programs, Office for Victims of Crime, in conjunction with the Office of Policy Development, DOJ, and the Office of Information and Regulatory Affairs, the Office of Management and Budget (OMB), has determined that this rule is not a "significant regulatory action" for purposes of Executive Order 12866 and accordingly, these Final Program Guidelines were not reviewed by OMB.

In addition, it has been determined that these Final Program Guidelines will not have a significant economic impact on a substantial number of small entities; therefore, an analysis of the impact of these Guidelines on such entities is not required by the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*

The program reporting requirements described in the Program Requirements section have been approved by the OMB as required under the Paperwork Reduction Act, 44 U.S.C. 3504(h). (OMB Approval Number 1121-0014.)

Summary of the Revisions to the 1997 Proposed Program Guidelines

Proposed VOCA Victim Compensation Program Guidelines were distributed to interested individuals and organizations for the purpose of soliciting comments. In September, 1996, OVC asked the state VOCA victim compensation program administrators attending the annual conference of the National Association of Crime Victim Compensation Boards (NACVCB) for their comments. In September, OVC also mailed copies of the Proposed Guidelines to all of the state VOCA victim compensation and assistance program administrators, as well as to the executive directors of national victim organizations.

OVC received comments from state VOCA victim compensation and assistance administrators, representatives of national victim organizations, and one state legislator. In total, over 18 different recommendations, questions, and comments were received.

As a result of the comments from the field, recent legislative amendments, and modifications of applicable federal regulations, substantive changes were made to four sections of the Proposed Program Guidelines, including: the

Availability of Funds, the Application Process, the Program Requirements, and the Financial Requirements. These changes are summarized in the paragraphs below, and incorporated into the complete text of the *Final Program Guidelines for Crime Victim Compensation Grants*. The Final Program Guidelines also include several technical corrections that are not listed in this summary because they do not affect policy or implementation of the Guidelines.

I. Comments From the Field

A. Administrative Cost Provision

1. Indirect Cost. Some respondents questioned OVC's prohibiting the use of these funds for indirect cost and noted that this was inconsistent with rules governing other OJP formula grant programs. Thus, this restriction has been eliminated from the "Availability of Funds" section of the Final Program Guidelines.

2. Delivery and Quality of Services. Respondents also noted that VOCA compensation programs, like VOCA assistance programs need to measure the impact of their activities on the delivery and quality of services to crime victims throughout their state. Thus, the following activities can now be supported by VOCA victim compensation administrative funds:

a. Improving coordination efforts on behalf of crime victims with other OJP Offices and Bureaus and with federal, state, and local agencies and organizations;

b. Providing training on crime victim compensation program issues such as application and eligibility requirements and range of compensable expenses, to state, public, and nonprofit organizations that serve or assist crime victims such as law enforcement officials, victim witness coordinators, corrections personnel, social service workers, victim service providers, and mental health and medical professionals;

c. Purchasing, printing, and/or developing applications, brochures and other relevant publications such as training manuals which describe the compensation application process, eligibility criteria, and range of benefits, available for crime victims;

d. Developing protocols, policies, and procedures that promote coordination of victim compensation and victim assistance services and improve the ways crime victims are treated and served;

B. Victim Cooperation with Law Enforcement

OVC received numerous inquiries concerning the VOCA provision which requires, as a condition of eligibility, that a program promote victim cooperation with the reasonable requests of law enforcement.

Many victims of crime cannot qualify for compensation because they have not complied with reporting and cooperating requirements found in most state statutes. There are many reasons for this, including fear of reprisal, a belief by the victim that the police are insensitive, ineffective, or biased, and other reasons. Historically, the most under reported crimes were rape, sexual assault, and domestic violence. Moreover, when many of these victims do report, they frequently miss the 72-hour reporting requirement used as a condition of eligibility in most state compensation programs.

In light of these facts, and in response to comments from VOCA program administrators and other crime victim advocates, OVC has modified the Final Program Guidelines. Although state crime victim compensation programs maintain the authority and discretion to establish their own standards for "reasonable cooperation," OVC encourages state compensation program staff to meet with victims and victim service providers to carefully review whether state statutes, program guidelines, and policies are responsive to the needs of crime victims and to determine possible barriers that might impede a victim's cooperation with law enforcement.

Possible impediments include compelling health or safety reasons, such as apprehension regarding personal safety, fear of retaliation, and intimidation by the offender or others. For example, some victims may be reluctant to cooperate fully with law enforcement after receiving threats of violence or even death against themselves and their children from the offender.

Age, psychological, cultural, or linguistic barriers may also influence the extent of victim cooperation with law enforcement. For instance, there may be special barriers deterring a young child or senior citizen from "reasonable cooperation." Likewise, embarrassment and shame may delay the reporting of sexual assault, and cultural and language differences may diminish a victim's access to the criminal justice system.

In setting the standard for victim cooperation with law enforcement, the state program should determine how

much weight to give to these considerations.

VOCA's "cooperation with the reasonable requests of law enforcement" requirement may be fulfilled by utilizing the following criteria or any other criteria the state believes is necessary to encourage victim cooperation with law enforcement. For example, a state may:

1. Require a victim to report the crime to a law enforcement agency;

2. Require a victim to report the crime to an appropriate governmental agency, such as child and/or adult protective services, family or juvenile court; or

3. Accept proof of the completion of a medical evidentiary examination, such as medical reports, x-rays, medical photographs, as well as other clinical assessments as evidence of cooperation with law enforcement in cases involving sexual assault or abuse.

Modifications to the "victim cooperation with law enforcement" language are contained in the "Program Requirements" section of the Final Program Guidelines.

II. Legislative Changes

A. The Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. 104-132)

The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104-132) (hereinafter "The Antiterrorism Act"), signed into law on April 24, 1996, contained a number of victim related provisions that amended VOCA. Listed below are three provisions that resulted in changes to the "State Eligibility Criteria" section of the Final Program Guidelines.

1. State Eligibility Criteria/Mandatory Coverage of Terrorism Victims in State Compensation Statutes. The Antiterrorism Act provides for a new VOCA-eligibility requirement that each state must include "crimes involving terrorism" in their definition of "compensable crimes". Thus, the state must offer compensation benefits to:

a. Residents and non-residents who are injured or killed by a crime involving terrorism occurring within the state;

b. Its own residents who are injured or killed in terrorist attacks occurring outside the United States or in a state that does not have an eligible crime victim compensation program.

The law gives states until April 24, 1997 (Federal Fiscal Year 1998 grant application) to come into compliance with this new eligibility requirement for receiving federal VOCA compensation grants.

2. Means Testing. The Antiterrorism Act also prohibits any federal, state, or

local government program that uses federal funds from including victim compensation benefits when determining income eligibility for an applicant, if the applicant needs such assistance (medical or otherwise), in full or in part, because of the commission of a crime against the applicant.

3. Prohibition Against Awards To Convicted Persons Owing Fines. The Antiterrorism Act prohibits states from awarding victim compensation benefits to any person convicted of a federal crime who is delinquent in paying a fine, monetary penalty, or restitution imposed for the offense. This provision, however, will not become effective until the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts issue a written determination that the entities administering federal victim programs have access to accurate and efficient criminal debt payment information. As of this date, no such determination has been made, and states are under no obligation to investigate or make determinations on whether a victim owes a federal criminal debt before awarding compensation benefits.

The Antiterrorism Act also resulted in three changes to the "Availability of Funds" section.

a. OVC Reserve Fund. The Antiterrorism Act authorizes the OVC Director to establish a reserve fund, up to \$50 million, from current year Crime Victims Fund (Fund) deposits which are in excess of 110 percent of the total amount deposited in the Fund during the preceding fiscal year. Reserve fund monies may be used for supplemental grants to assist victims of terrorist acts or mass violence occurring within or outside the U.S. The OVC Director may award reserve funds to the following entities:

(1) States for providing compensation and assistance to their state residents, who, while outside of the borders of the United States, become victims of a terrorist act or mass violence. The beneficiaries, however, cannot be persons who are already eligible for compensation under the Omnibus Diplomatic Security and Antiterrorism Act of 1986. Individuals covered under this Act include those who are taken captive because of their relationship with the U.S. government as a member of the U.S. Civil Service, as well as other U.S. citizens, nationals, or resident aliens who are taken captive while rendering service to the U.S. similar to that of civil servants. Dependent family members of such persons also are covered under the Omnibus Diplomatic Security Act.

(2) States' eligible crime victim compensation and assistance programs for providing compensation and emergency relief for the benefit of victims of terrorist acts or mass violence occurring within the U.S.; and

(3) U.S. Attorney's Offices for use in coordination with state victim compensation and assistance efforts in providing relief to victims of terrorist acts or mass violence occurring within the U.S.

(4) The Director of OVC may also award OVC reserve funds to eligible state compensation and assistance programs to offset fluctuation in the funds during years in which the Fund decreases and additional monies are needed to stabilize funding for state programs.

b. Unobligated Grant Funds. Beginning with FFY 1997 VOCA grants, funds not obligated by the end of the grant period, up to a maximum of \$500,000, will be returned to the Fund, and not to the General Treasury, as was the practice in previous years. Returned funds in excess of \$500,000 in a given year shall be returned to the Treasury. Once any portion of a state's grant is returned to the Fund, the funds must be redistributed according to the formula established by VOCA and the Final Program Guidelines. States are encouraged to closely monitor the expenditure of VOCA funds throughout the grant period to avoid returning unobligated balances at the end of the grant period.

c. Grant Period Extended. The Antiterrorism Act extended the VOCA victim compensation grant period from the year of award plus one, to the year of award plus two. (Subsequent legislation further extended the grant period to the year of award, plus three.)

B. Omnibus Appropriations Act of 1997

This legislation was passed by Congress and signed into law by President Clinton in September, 1996. This Act further extended the grant period to the year of award plus three. This change is effective for all FFY 1997 grants. The Final Program Guidelines clarify that funds are available for obligation beginning October 1 of the year of the award, through September 30 of the FFY three years later. For example, grants awarded in November, 1996 (FFY 1997) are available for obligation beginning October 1, 1996 through September 30, 2000.

This modification is contained in the "Availability of Funds" section of the Final Program Guidelines.

III. Changes in Applicable Federal Regulations

A. Mandatory Enrollment in U.S. Treasury Department's Automated Clearing House (ACH) Vendor Express Program

In accordance with the Debt Collection Improvement Act of 1996, the U.S. Treasury Department revised its regulations regarding federal payments. The Final Program Guidelines have been modified to require that, effective July 26, 1996, all federal payments to VOCA victim compensation grantees must be made via electronic funds transfer.

States that are new award recipients, or those that have previously received funds in the form of a paper check from the U.S. Treasury, must enroll in the Treasury Department's ACH Vendor Express program before requesting any federal funds. This means that VOCA grantees can no longer receive drawdowns against their awards via paper check mailed from the Treasury. Grant recipients must enroll in ACH for Treasury to electronically transfer drawdowns directly to their banking institutions. States that are currently on the Letter of Credit Electronic Certification System (LOCES) will be automatically enrolled in the ACH program. This modification is included in the "Application Process" section of the Final Program Guidelines.

B. Higher Audit Threshold

In response to suggestions made by many recipients of federal grant awards, including VOCA grant recipients, OMB Circular A-133 was revised, raising the audit threshold to \$300,000 for all organizations receiving federal grants. This means that those state compensation programs that expend \$300,000 or more in federal funding within the state fiscal year must have an audit made in accordance with OMB Circular A-133, as amended. This rule is effective for all fiscal years that began on or after July 1, 1996.

Previously, states that received \$100,000 or more in federal financial assistance in any fiscal year were required to have a single audit for that year. States and subrecipients receiving at least \$25,000, but less than \$100,000, in a fiscal year had the option of performing a single audit or an audit of the federal program, and state and local governments receiving less than \$25,000 in any fiscal year were exempt from audit requirements. This modification is contained in the "Financial Requirements" section of the Final Program Guidelines.

Guidelines for Crime Victim Compensation Grants

I. Background

In 1984, VOCA established the Crime Victims Fund (Fund) in the U.S. Treasury and authorized the Fund to receive deposits from fines and penalties levied on criminals convicted of federal crimes. This Fund provides the source of funding for carrying out all of the activities mandated by VOCA.

OVC makes annual VOCA crime victim compensation grants from the Fund to eligible states. The primary purpose of these grants is to supplement state efforts to provide financial assistance and reimbursement to crime victims throughout the Nation for costs associated with being a victim of a crime, and to encourage victim cooperation and participation in the criminal justice system. State crime victim compensation programs may use VOCA compensation grant funds to pay for eligible expenses provided by the state compensation statute except for property damage and property losses.

States have the responsibility for establishing guidelines and procedures for applying for crime victim compensation benefits which meet the minimal statutory requirements outlined in VOCA and the requirements in these Final Program Guidelines.

II. Funding Allocation and Application Process

A. Distribution of Crime Victim Fund

OVC administers the deposits made into the Fund for programs and services, as specified in VOCA. The amount of funds available for distribution each year is dependent upon the total deposits into the Fund in the preceding Federal Fiscal Year.

The Federal Courts Administration Act of 1992 removed the cap on the Fund, beginning with FFY 1993 deposits. This Act also eliminated the need for periodic reauthorization of VOCA and the Fund. Thus, under current legislation, the Fund will continue to receive deposits.

The Violent Crime Control and Law Enforcement Act of 1994 provides that the deposits into the Fund are to be distributed as follows:

1. The first \$3,000,000 deposited in the Fund in each fiscal year is available to the Administrative Office of United States Courts for administrative costs to carry out the functions of the judicial branch under Sections 3611 of Title 18, U.S. Code.

2. The next \$10,000,000 deposited in the Fund in a particular fiscal year:

- a. 85% shall be available to the Secretary of Health and Human Services

for grants under Section 4(d) of the Child Abuse Prevention and Treatment Act for improving the investigation and prosecution of child abuse cases;

- b. 15% shall be available to the Director of the Office for Victims of Crime for grants under Section 4(d) of the Child Abuse Prevention and Treatment Act for Assisting Native American Indian Tribes in developing, establishing, and operating programs to improve the investigation and prosecution of child abuse cases.

3. The remaining Fund deposits are distributed as follows:

- a. 48.5 percent is available for victim compensation grants;

- b. 48.5 percent is available for victim assistance grants;

- c. 3 percent is available for support of services to federal crime victims and for demonstration, training, and technical assistance grants to eligible crime victim programs.

B. Availability of Funds

1. VOCA Victim Compensation Grant Formula.

The Director of OVC will make an annual grant to eligible state crime victim compensation programs equal to 40 percent of the amounts awarded by the state program to victims of crime from state sources of revenue during the fiscal year preceding the year of deposits in the Fund (two years prior to the grant year). Note: Amounts paid to compensate victims for property damage or property loss cannot be included in a state's certification for a VOCA victim compensation grant award. If the amount in the Fund is insufficient to award each state 40 percent of its prior year's compensation payout, Section 1403(a)(2) of VOCA provides that all states will be awarded the same reduced percentage of their prior year payout from the available funds.

2. Reserve Fund.

As the result of the provisions in the Antiterrorism Act amending VOCA, the OVC Director is authorized to retain funds in a reserve fund, up to \$50 million. The Director may utilize the reserve funds in order to:

- a. Award supplemental grants to assist victims of terrorist acts or mass violence outside or within the U.S. The OVC Director may grant reserve funds for such purposes to the following entities:

- (1) States for providing compensation and assistance to their state residents, who, while inside their state borders or outside of the borders of the United States, become victims of a terrorist act or mass violence. The beneficiaries, however, cannot be persons who are already eligible for compensation under

The Omnibus Diplomatic Security and Antiterrorism Act of 1986.

Individuals covered under the Omnibus Diplomatic Security and Antiterrorism Act of 1986 include persons who are taken captive because of their relationship with the U.S. Government as a member of the U.S. Civil Service, as well as other U.S. citizens, nationals, or resident aliens who are taken captive while rendering service to the U.S. similar to that of civil servants. Dependent family members of such persons also are covered under the Omnibus Diplomatic Security Act.

- (2) States' eligible crime victim compensation and assistance programs for providing emergency relief, including crisis response efforts, training, and technical assistance for the benefit of victims of terrorist acts or mass violence occurring within the U.S.

- (3) U.S. Attorney's Offices for use in coordination with state victim compensation and assistance efforts in providing emergency relief to victims of terrorist acts or mass violence occurring within the U.S.

- b. Offset Fluctuations in Fund. The OVC director may also use the reserve fund to offset fluctuations in Fund deposits for state compensation and assistance programs in years in which the Fund decreases and additional monies are needed to stabilize programs.

3. Grant Period. Federal legislation passed in 1996 also makes victim compensation grant funds available for expenditure throughout the FFY of award as well as in the next three fiscal years. The FFY begins on October 1 and ends on September 30. State crime victim compensation programs may pay compensation claims retroactively from October 1, even though the VOCA grant may not be awarded until later in the grant period.

4. Grant Deobligations. Funds not obligated by the end of the grant period, up to a total of \$500,000, will be returned to the Fund. Once any portion of a state's grant is returned to the Fund, the funds must be redistributed according to the rules established by VOCA and the Final Program Guidelines, so states are encouraged to monitor closely the expenditure of VOCA funds throughout the grant period.

C. Administrative Costs

1. Purpose of Administrative Cost Allowance. Since FFY 1995, the VOCA has allowed up to five percent of crime victim compensation grant funds to be used for administering the state crime victim compensation grant program(s). It is in the state's discretion to use the

allowable five percent for program administration. However, any part of the allowable five percent which is not used for administrative purposes must be used for awards of compensation to crime victims.

The intent of this provision of VOCA is to support and advance program administration in all operational areas including claims processing, staff development and training, public outreach, and program funding by supporting those activities that will improve program effectiveness and service to crime victims. If a state elects to use up to five percent of their VOCA compensation grant for administrative purposes, only those costs directly associated with administering the program, enhancing overall program operations such as training and public outreach regarding eligibility requirements and available benefits, and ensuring compliance with federal requirements, can be paid with limited administrative grant funds. Further, states must certify that VOCA funds used for administrative purposes will not be used to supplant state or local funds but will be used to increase the amount of state funds that are available for administering the compensation program. For the purpose of establishing a baseline level of effort, states should maintain documentation as to the overall administrative commitment of the state prior to their use of VOCA administrative grant funds.

2. Allowable Costs. Allowable administrative costs include but are not limited to the following: program personnel, salary and benefits; travel costs for attendance at state, regional, and national compensation training conferences; computer equipment and support services; audit costs; costs involved in the production and distribution of program brochures and posters, and other program outreach activities; professional fees for computer services and peer review of compensation claims; agency membership dues for victim compensation organizations; program enhancements such as toll-free numbers; special equipment and materials to facilitate service to persons with disabilities, and other reasonable costs directly related to administering a compensation program.

The following activities impact the delivery and quality of compensation services to crime victims throughout the state and, thus, can be supported by administrative funds:

a. Improving coordination efforts on behalf of crime victims with other OJP Offices and Bureaus and with federal,

state, and local agencies and organizations;

b. Providing training on crime victim compensation program issues such as application and eligibility requirements and range of compensable expenses, to state, public, and nonprofit organizations that serve or assist crime victims such as law enforcement officials, victim witness coordinators, corrections personnel, social service workers, victim service providers, and mental health and medical professionals;

c. Purchasing, printing, and/or developing applications, brochures and other relevant publications such as training manuals which describe the compensation application process, eligibility criteria, and range of benefits, available for crime victims;

d. Developing protocols, policies, and procedures that promote coordination of victim compensation and victim assistance services and improve the ways crime victims are treated and served; and

3. Salary Costs. Staff supported by administrative funds under the VOCA crime victim compensation grant must work directly for the compensation program in the same proportion as their level of support from VOCA grant funds. If the staff have other functions, the proportion of time working on the compensation program must be documented using some reasonable method at regular intervals such as time and attendance records on all funded staff which demonstrate the portion of staff time spent on compensation related activities. The documentation must provide a clear audit trail for the expenditure of grant funds.

Only staff activities directly related to compensation functions can be funded with VOCA administrative funds. Similarly, any equipment purchases or other expenditures charged to the VOCA compensation grant should only be charged proportionate to the percentage of time utilized by the compensation program.

Temporary or periodic personnel support, such as qualified peer reviewers for medical and mental health claims, and data processing support services are also allowable. These services may be obtained through contract using VOCA administrative funds.

4. Requirement to Notify OVC of Use of Administrative Funds. Those states that elect to utilize administrative funds under the VOCA compensation grant, are required to include with their annual application the following information:

a. The amount of the total grant that will be used for program administration;

b. An itemization of the state's projected expenditures and a general description of the activities that will be supported;

c. How these activities will improve the administration of the VOCA program and/or improve services to crime victims.

A state may modify projections set forth in their application by providing OVC a revised description of their planned use of administrative funds in writing, subsequent to submitting their annual application. However, the revised description must be reviewed prior to the obligation of any federal funds. Failure to notify OVC of modifications will prevent the state from meeting its obligation to reconcile its State-wide Report with its Final Financial Status Report.

D. Application Process

1. Application for Federal Assistance. Each year, OVC issues to each eligible state a Program Instruction and Application Kit, which contains the necessary forms and detailed information required to make application for VOCA crime victim compensation grant funds. The amount for which each state may apply is included in the Application Kit. States shall use the Standard Form 424, Application for Federal Assistance, and its attachments to apply for VOCA victim compensation grant funds. Applications for VOCA crime victim compensation grants may only be submitted by the state agency designated by the Governor to administer the VOCA grant.

Completed applications must be submitted on or before the stated deadline, as determined by OVC. If an eligible state fails to apply for its crime victim compensation allocation by the prescribed deadline, OVC will redistribute federal VOCA crime victim compensation dollars to the VOCA victim assistance grant program as provided by Section 1404(a)(1) of VOCA (42 U.S.C. 10603 (a)(1)), assuming all states have received the statutorily prescribed 40% (percent) of their prior years payouts.

In addition to submission of the Application for Federal Assistance, states shall submit the following information:

a. A description of their arrangements for complying with the audit provisions of Circular A-133, as amended.

b. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements; Civil Rights

Compliance, and any other certifications required by OJP and OVC. Additionally, states must complete a disclosure form specifying any lobbying activities that are conducted.

c. Crime Victim Compensation Eligible State Payments Certification Form which is furnished by OVC. The amount certified on this Form is used by OVC to determine the annual federal grant award to each eligible state in the following year. This form must be completed and signed by the authorized individual within the agency designated by the Governor to administer the VOCA crime victims compensation grant. For further information concerning the state certification, see the Program Requirements section.

d. An assurance that the program will comply with all applicable nondiscrimination requirements;

e. An assurance that in the event a federal or state court or federal or state administrative agency makes a finding of discrimination after a due process hearing, on the grounds of race, color, religion, national origin, sex, or disability against the program, the program will forward a copy of the finding to the Office of Justice Programs, Office for Civil Rights (OCR);

f. The name of the civil rights contact person who has lead responsibility for ensuring that all applicable civil rights requirements are met and who shall act as liaison in civil rights matters with OCR;

g. An assurance that programs will maintain information on crime victims receiving services by race, national origin, sex, age, and disabilities, where such information is voluntarily furnished by claimants. A state may, at its discretion, use the following language when soliciting claimant responses: "The submission of information regarding race/ethnic background or disabilities is strictly voluntary. A decision to not supply this information will not affect your eligibility for compensation benefits information. However, this information is important. We use it to study the extent to which members of minorities and persons with disabilities are recipients of compensation benefits and to determine the extent to which outreach efforts should be enhanced to ensure access and services to these populations."

h. A copy of the state statute authorizing the state's crime victim compensation program.

2. Enrollment in Automated Clearing House. In addition to yearly submission of the grant application and the above-mentioned information and assurances, states must be enrolled in the automated

clearing house (ACH) so that the U.S. Department of Treasury can electronically transfer the VOCA victim compensation grant directly to the grantee's banking institution. States that are new award recipients, or those that have previously received funds in the form of a paper check from the U.S. Treasury, must enroll in the Treasury Department's ACH Vendor Express program before requesting any federal funds. This means that VOCA grantees can no longer receive drawdowns against their awards via paper check mailed from the Treasury. Grant recipients must enroll in ACH for Treasury to electronically transfer drawdowns directly to their banking institutions. States that are currently on the Letter of Credit Electronic Certification System (LOCES) will be automatically enrolled in the ACH program. Enrollment in ACH need only be completed once.

III. Program Requirements

A. State Eligibility Criteria

The fundamental criteria for eligibility is the grantee must be an operational state-administered crime victim compensation program. The term "state" includes the District of Columbia, the Virgin Islands, and any other possession or territory of the United States. Although an authorized program that has not actually paid out compensation benefits would be technically eligible under Section 1403(b)(1) of VOCA, the program would not be entitled to a VOCA grant because it had not awarded any benefits that could be matched under Section 1403(a)(1). VOCA compensation grant funds may not be used as "start-up" funds for a new state program.

Section 1403 of VOCA prescribes the conditions and eligibility criteria related to crime victim compensation grants. In order for a state to meet or maintain eligibility for a crime victims compensation grant, it must satisfy the following eligibility requirements:

1. State Operated Compensation Program for Victims. The program must be operated by a state and offer compensation to victims and survivors of victims of "compensable crimes," including crimes involving terrorism, drunk driving, and domestic violence. The Amendments to VOCA contained in the Antiterrorism Act of 1996 gives states until April 24, 1997 (FFY 1998 grant application) to come into compliance with the new eligibility conditions for receiving federal VOCA compensation grants.

The term "compensable crime" means a crime, the victims of which are

eligible for compensation under the state's eligible crime victim compensation program statute or rule. The range of expenses for which states may award crime victims compensation varies nationwide, although all states must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses.

2. Means Testing. The Antiterrorism Act prohibits any federal, state, or local government program that uses federal funds from including victim compensation benefits when determining income eligibility for an applicant, if the applicant needs such assistance (medical or otherwise), in full or in part, because of the commission of a crime against the applicant.

3. Prohibition Against Awarding Compensation to Those Delinquent in Paying Federal Criminal Fines. The Antiterrorism Act prohibits states from awarding victim compensation benefits to any person convicted of a federal crime who is delinquent in paying a fine, monetary penalty, or restitution imposed for the offense.

This provision, however, will not become effective until the U.S. Attorney General and the Director of the Administrative Office of the U.S. Courts issue a written determination that the entities administering federally-funded victim compensation programs have access to accurate and efficient criminal debt payment tracking information. As of this date, no such determination has been made, and states are under no obligation to investigate or make determinations on whether a victim owes a federal criminal debt, before awarding compensation benefits.

4. Victim Cooperation with Law Enforcement. Encouraging victims to cooperate with law enforcement and to report the crime is important to the effective functioning of the criminal justice system and to preventing further victimization.

Although state crime victim compensation programs maintain the authority and discretion to establish their own standards for "reasonable cooperation," OVC encourages state compensation program staff to meet with victims and advocates to carefully review whether state statutes and state program guidelines and policies are responsive to the needs of crime victims and to determine possible barriers that might impede a victim's cooperation with law enforcement.

Possible impediments include compelling health or safety reasons, such as apprehension regarding personal safety, fear of retaliation, and intimidation by the offender or others.

For example, some victims may be reluctant to cooperate fully with law enforcement after receiving threats of violence or even death against themselves and their children from the offender.

Age, psychological, cultural, or linguistic barriers may also influence the extent of victim cooperation with law enforcement. For instance, there may be special barriers deterring a young child or senior citizen from complying fully with law enforcement. Embarrassment and shame may delay the reporting of sexual assault, and cultural and language differences may diminish a victim's access to the criminal justice system.

In setting the standard for victim cooperation with law enforcement, the state program should determine how much weight to give to these considerations.

VOCA's "cooperation with the reasonable requests of law enforcement" requirement may be fulfilled by utilizing the following criteria or any other criteria the state believes is necessary to encourage victim cooperation with law enforcement. For example, a state may:

- a. Require a victim to report the crime to a law enforcement agency;
- b. Require a victim to report the crime to an appropriate governmental agency, such as child and/or adult protective services, family court, or juvenile court; or
- c. Accept proof of the completion of a medical evidentiary examination, such as medical reports, x-rays, medical photographs, as well as other clinical assessments as evidence of cooperation with law enforcement in cases involving sexual assault or abuse.

5. Nonsupplantation. The state must certify that grants received under this section will not be used to supplant state funds otherwise available to provide crime victim compensation or to administer the state crime victim compensation program.

The nonsupplantation provision is intended to assure that states use VOCA funds to augment, not replace, otherwise available state funding for crime victim compensation. More specifically, the states may not decrease their financial commitment to crime victim compensation solely because they are receiving VOCA funds for the same purpose.

6. Compensation for Residents Victimized Outside Their Own State. The state must provide compensation to residents of the state who are victims of crimes occurring outside the state, if the crimes would be compensable had they occurred inside that state; and the

crimes occurred in a state not having an eligible crime victim compensation program, or occurred outside the U.S. (If the compensable crime is terrorism as defined in Section 2331 of title 18 of the U.S. Code). The state must make these awards according to the same criteria used to make awards to those who are victimized while in the state.

This provision is intended to cover those residents of a state who are victimized in a state which does not have an eligible crime victims compensation program for which the victim qualifies. In such instances, the victim would be eligible to apply for crime victim compensation from the State in which he or she resides.

7. Compensation for Non-residents of a State. The state must make compensation awards to victims who are non-residents of the state according to the same criteria used to make awards to victims who are residents of such state.

Eligibility for VOCA funds requires the state program to extend its coverage to all non-residents victimized in the state. Note: For the purposes of this provision, the term "non-resident" must, at a minimum, include anyone who is a resident in one state but victimized in another. A state may, at its discretion, broaden its definition of non-resident to include anyone victimized in the state regardless of whether the victim is a United States resident.

This provision is intended to ensure that non-residents of a state, who are victimized in a state that has an eligible compensation program, are provided the opportunity to apply for and receive the same compensation benefits that are available to residents of the state. The provision of reciprocal agreements with certain other states will not suffice to meet these criteria.

8. Victims of Federal Crime. The state must provide compensation to victims of federal crimes occurring within the state on the same basis that such program provides compensation to victims of state crimes.

For example, a victim of a rape, occurring on a federal installation or Indian reservation inside the state, must be afforded the same benefits that would be available to the victim if the rape were classified as a crime against the state. This provision is intended to cover those individuals victimized on military installations, national parks and highways, Native American reservations, and under other circumstances where Federal jurisdiction exists since there is no federal compensation program which provides benefits to victims covered under federal jurisdiction.

9. *Unjust Enrichment*. Except pursuant to rules issued by the compensation program to prevent unjust enrichment of the offender, the state cannot deny compensation to any victim because of that victim's familial relationship to the offender, or because of the sharing of a residence by the victim and the offender.

Unjust enrichment, as the basis for denying crime victims compensation, must be based upon written rules issued by the state crime victims compensation program. "Rules" mean either written policies or directives developed and distributed by state crime victim compensation programs or rules adopted by legislative or administrative bodies. Such rules cannot have the effect of denying compensation to a substantial percentage of domestic violence victims. The rules relating to unjust enrichment should be applicable to all claims for compensation although it is recognized that domestic violence cases have the greatest potential for unjust enrichment.

In general, programs must balance the goals of making compensation benefits available to victims and preventing unjust enrichment of offenders. State programs are strongly encouraged to work with domestic violence coalitions and representatives to this end.

In developing rules, the states are encouraged to consider the following:

- a. Legal responsibilities of the offender to the victim under the laws of the state and collateral resources available to the victim from the offender. For example, legal responsibilities may include court-ordered restitution or requirements for spouse and/or family support under the domestic or marital property laws of the state. Collateral resources may include insurance or pension benefits available to the offender to cover the costs incurred by the victim as a result of the crime. However, as with other crimes, victims of domestic violence should not be penalized when collateral sources of payment are not viable, e.g., when the offender refuses to, or cannot, pay restitution or other civil judgments within a reasonable period of time or when the offender otherwise impedes direct or third party (i.e., insurance) payments.

- b. Payments to victims of domestic violence which benefit offenders in only a minimal or inconsequential manner would not be considered unjust enrichment. To deny payments, in some instances, could serve to further victimize the claimant. For example, denial of medical or dental expenses solely because the offender has legal responsibility for the charges, but is

unwilling, or unable to pay them, could result in the victim's inability to receive treatment.

c. Consultation with social services and other concerned governmental entities, as well as with private organizations that support and advocate on behalf of domestic violence victims.

d. The special needs of child victims of criminal violence especially when the perpetrator was the parent who may or may not have lived in the same residence.

10. Other Information Requested by the OVC Director. The state must provide such other information and assurances as the Director of OVC may reasonably require.

11. Payor of Last Resort. When a victim is eligible to receive benefits from a federal program or federally financed state or local program, such as Medicaid, the state compensation program shall not pay the costs that the federal or federally financed programs covers. Additionally, the federal or federally financed program shall make its payments without regard to the existence of the crime victim compensation program. The compensation program is the payor of last resort with regard to federal or federally financed programs.

OVC encourages state grantees to coordinate their VOCA assistance and compensation activities to ensure a continuum of services for crime victims. Coordination may include activities such as: planning meetings; training activities for direct service providers on the general parameters of the state compensation agency's program (e.g., eligibility criteria, completion of claims, and time frames for receiving compensation); providing information on VOCA-funded victim assistance services within the state; and developing joint guidance, where applicable, on third-party payments to VOCA assistance organizations.

OVC also requires state grantees to coordinate their activities with the Victim/Witness Coordinator staff within U.S. Attorney Offices to ensure that the Coordinators are aware of available resources for victims of federal crime.

B. State Certifications

Guidelines on amounts to be included as well as amounts to be excluded in a state's certification of payments of crime victims compensation from state funding sources are furnished below:

1. Program Revenue. States must report on the certification form all sources of state revenue available to the crime victims compensation program during the Federal Fiscal Year. In some instances, funds are made available to

the crime victims compensation program from other departments or agencies, from supplemental appropriations, donations, or unspent funds carried over from prior years. All state funds which are available during the Federal Fiscal Year should be reported. The amount of certified revenue, excluding VOCA funds, but including all other sources, including carried over funds, must meet or exceed the amount of certified payments to crime victims.

2. Amounts to Be Included. The total amount to be certified by the state program must include only those amounts paid from state funding sources to or on behalf of crime victims during the Federal Fiscal Year (October 1 to September 30).

3. Compensable Expenses. The range of expenses for which states may award crime victims compensation varies nationwide, although all states must award compensation for medical expenses, including mental health counseling and care; loss of wages; and funeral expenses. Note: The term "medical expenses" includes, to the extent provided under the state crime victim compensation program statute, expenses for eyeglasses and other corrective lenses; dental services, devices, and prosthetic devices; and for services rendered in accordance with a method of healing recognized by the law of the state. "Mental health counseling and care" means the assessment, diagnosis, and treatment of an individual's mental and emotional functioning that is required to alleviate psychological trauma resulting from a compensable crime. Such intervention must be provided by a person who meets such standards as may be set by the state for victim mental health counseling and care.

Compensable expenses to be included in the annual certification must be authorized by state statute or rule, providing there is rule making authority in state law. States may include expenses, not specifically identified in VOCA, such as pain and suffering; crime scene clean up; replacement costs for clothing and bedding held as evidence; annuities for child victims for loss of support; medically-necessary building modification; medically-necessary devices; and attorney fees related to a victim's claim for compensation.

States may also include payments related to forensic sexual assault examinations, even if the victim did not report the crime to law enforcement if such payments are made from funds administered by the compensation

program and are allowable under the state's statute or administrative rules.

4. Amounts to Be Excluded. States must exclude, in the certification, VOCA grant funds, compensation for property losses or property damage, audit costs, personnel costs, and any other program administrative costs.

5. Applicable Credits. Any "applicable credits" must be deducted from the state certification. The term "applicable credits" refers to those receipts or reduction of expenditures, which offset or reduce expense items that are allocable to a particular crime victim compensation claim. Typical examples of applicable credits in state crime victims compensation programs include funds received through a state's subrogation interest in a claimant's civil law suit recovery, restitution, refunds, or other reimbursements. Refunds include amounts from overpayment, erroneous payments made to claimants, uncashed checks, etc. Additional guidance regarding applicable credits can be found in OMB Circular A-87, "Cost Principles for State and Local Governments."

States must determine how to account for both the receipt and expenditure of restitution and refunds. Note: A state is not required to reduce its certified payment figure by the amount of restitution recoveries received by the state which are not directly related to the payment of crime victim compensation benefits, nor when such reimbursements were from payments to victims prior to receiving a VOCA award.

6. Recovery Costs. Salary costs for personnel directly involved in recovery efforts, which are directly attributable to the recovery of restitution, refunds, and other reimbursements, may be offset against the amount of income received from such reimbursement. Expenses shall be limited to the percentage of those salaries incurred by the state for employees whose primary responsibilities (not less than 75 percent of their time) are directly and specifically related to recovering restitution and other reimbursements. Recovery costs can not be claimed for employees whose salary is derived from federal administrative grant funds.

7. Source of Payments to Crime Victims. There is no financial requirement that state compensation programs identify the source of individual payments to crime victims as either federal or state dollars, nor is there any requirement that restitution recoveries or other refunds be tracked to federal or state dollars paid out to the victim.

C. Incorrect Certifications

If it is determined that a state has made an incorrect certification of payments of crime victims compensation from state funding sources and a VOCA crime victim compensation grant is awarded in error, one of the following two courses of action will be taken:

1. **Over Certification.** In the event that an over certification comes to the attention of OVC or the Office of the Comptroller, OJP, the necessary steps will be taken to recover funds which were awarded in error. OVC does not have the authority to permit states to keep amounts they were not entitled to as a result of overcertification.

2. **Under Certification.** If a state under-certifies amounts paid to crime victims, OVC will not supplement payments to the state in a subsequent year to correct the state's error. Once OVC awards funds in a given FFY, there are no excess funds available to remedy errors of this nature.

D. Program Reporting Requirements

1. **Annual Performance Report.** States receiving VOCA crime victims compensation grant funds are required to submit an Annual Performance Report that is provided by OVC. The Report requests specific information about claims for compensation, such as types of crimes compensated, including terrorism, drunk driving and domestic violence, disposition of claims, payments for compensable expenses, and use of administrative and training funds. The Performance Report covers the Federal Fiscal Year ending September 30 and is due to OVC by December 30 of the same year.

E. Additional Requirements

1. **Civil Rights—Prohibition of Discrimination for Recipients of Federal Funds.** No person in any state shall, on the grounds of race, color, religion, national origin, sex, or disability be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any program or activity receiving federal financial assistance, pursuant to the following statutes and regulations: Section 809(c), Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. 3789d, and Department of Justice Nondiscrimination Regulations, 28 CFR Part 42, Subparts C, D, E, and G; Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d, *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794;

Subtitle A, Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, *et seq.*; and Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681–1683; and the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, *et seq.*

2. **Confidentiality of Research Information.** Except as otherwise provided by law, no recipient of monies under VOCA shall use or reveal any research or statistical information gathered under this program by any person, and identifiable to any specific private person, for any purpose other than the purpose for which such information was obtained, in accordance with VOCA. Such information, and any copy of such information, shall be immune from legal process and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceeding. [See Section 1407(d) of VOCA, codified at 42 U.S.C. 10604(d)].

This provision is intended, among other things, to assure the confidentiality of information provided by crime victims to employees of VOCA-funded victim compensation programs. However, there is nothing in VOCA or its legislative history to indicate that Congress intended to override or repeal, in effect, a state's existing law governing the disclosure of information, which is supportive of VOCA's fundamental goal of helping crime victims. For example, this provision would not act to override or repeal, in effect, a state's existing law pertaining to the mandatory reporting of a suspected child abuse. See *Pennhurst State School and Hospital v. Halderman, et al.*, 451 U.S. 1 (1981).

IV. Financial Requirements

As a condition of receiving a grant, states agree to insure adherence to the general and specific requirements as set forth in the "OJP Financial Guide" and applicable OMB Circulars and Common Rules. This includes the maintenance of books and records in accordance with generally accepted government accounting principles. States further agree to identify their state fiscal year and federal cognizant audit agency. This section describes the payment of grant funds, termination of advanced funding; financial status reports, and audit requirements.

A. Audit Responsibilities for States

State compensation programs that expend \$300,000 or more in federal financial assistance within the state's fiscal year are required to have an audit in accordance with OMB Circular A–133, as amended. State and local governments expending less than \$300,000 in their fiscal year are exempt from audit requirements. This rule is effective for all fiscal years that began on or after July 1, 1996.

B. Audit Costs

Although under OMB Circular A–133 audit costs are generally allowable charges under federal grants, audit costs incurred at the grantee level are determined to be an administrative expense and may be paid with the allowable five percent for administration. Any of the VOCA grant monies used for administrative purposes cannot be included in the state-certified payout.

C. Financial Status Report for States

Financial Status Reports (269A) are required from all state agencies. A Financial Status Report shall be submitted to the Office of the Comptroller for each calendar quarter in which the grant is active. This Report is due even when no obligations or expenditures were incurred during the reporting period. Financial Status Reports shall be submitted to the Office of the Comptroller, by the state, within 45 days after the end of each calendar quarter. Calendar quarters end March 31, June 30, September 30, and December 31. A Final Financial Status Report is due 120 days after the end of the VOCA grant, no later than January 31.

D. Termination of Advance Funding

If the state grantee receiving cash advances by direct Treasury deposit demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between cash advances and disbursements, OJP may terminate advance funding and require the state to finance its operations with its own working capital. Payments to the state will then be made to the state by the ACH Vendor Express method to reimburse the grantee for actual cash disbursements. It is essential that the grantee organization maintain a minimum of cash on hand and that drawdowns of cash are made only when necessary for disbursements.

*V. Monitoring***A. Office of the Comptroller/General Accounting Office/Office of the Inspector General**

The Office of the Comptroller, the General Accounting Office, and the Office of the Inspector General conduct periodic reviews of the financial policies and procedures and records of VOCA state grantees. Therefore, upon request, states must give authorized representatives the right to access and examine all records, books, papers, case files, or other documents related to the grant.

B. Office for Victims of Crime

OVC conducts on-site monitoring in which each state grantee is visited a minimum of once every three years. While on site, OVC personnel will review various documents and files such as (1) financial and program manuals and procedures governing the crime victim compensation grant program; (2) financial records, reports, and audit reports for the state grantee; (3) the state's compensation application, procedures, and guidelines for awarding compensation benefits; (4) a random sampling of victim compensation claim files; and (5) all other applicable state records and files.

VI. Suspension and Termination of Funding

If, after notice to the grantee, OVC finds that a state has failed to comply substantially with VOCA, the *OJP Financial Guide* (effective edition), the Final Program Guidelines, or any implementing regulation or requirement, OVC may suspend or terminate funding to the state and/or take other appropriate action. Under the procedures of 28 CFR Part 18 (7-1-96-Edition), states may request a hearing on the justification for the suspension and/or termination of VOCA funds.

Dated: February 10, 1997.

Marti Speights,

Director of Special Projects Division, Office for Victims of Crime, Office for Justice Programs.

[FR Doc. 97-3715 Filed 2-13-97; 8:45 am]

BILLING CODE 4410-18-P

DEPARTMENT OF LABOR**Employment Standards Administration
Wage and Hour Division****Minimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination Decisions**

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein. Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29

CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S-3014, Washington, D.C. 20210.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their date of notice in the Federal Register are listed with each State. Superseded as decision numbers are in parentheses following the number of decisions being superseded.

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Massachusetts

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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 or 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 will be distributed to subscribers.

Signed at Washington, D.C. this 10th day of February 1997.

Margaret J. Washington,
Chief, Branch of Construction Wage Determinations.

[FR Doc. 97-3714 Filed 2-13-97; 8:45 am]

BILLING CODE 1510-01-M

LEGAL SERVICES CORPORATION

Notice of Availability of 1997 Competitive Grant Funds for Migrant Farmworkers

AGENCY: Legal Services Corporation.

ACTION: Solicitation of proposals for the provision of civil legal services for

migrant farmworkers in the state of Pennsylvania.

SUMMARY: The Legal Services Corporation (LSC or Corporation) is the national organization charged with administering federal funds provided for civil legal services to the poor. Congress has adopted legislation requiring LSC to utilize a system of competitive bidding for the award of grants and contracts for calendar year 1997.

The Corporation hereby reannounces the availability of 1997 competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high quality civil legal services to the LSC-eligible migrant population in the state of Pennsylvania. The Corporation plans to award a grant in the amount of \$133,096.

DATES: Request for Proposals(RFP) will be available after February 14, 1997. A Notice of Intent to Compete is due by March 14, 1997. Grant proposals must be received at LSC offices by 5:00 p.m. EDT, March 28, 1997.

ADDRESS: Legal Services Corporation—Competitive Grants, 750 First Street N.E., 10th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Lisa Thomas, Administrative Assistant, Office of Program Operations, (202) 336-8865.

SUPPLEMENTARY INFORMATION: LSC is seeking proposals from recipients, other non-profit organizations that have as a purpose the furnishing of legal assistance to eligible clients, private attorneys, groups of private attorneys or law firms, State or local governments, and substate regional planning and coordination agencies which are composed of substate areas and whose governing boards are controlled by locally elected officials.

The solicitation package, containing the grant application, guidelines, proposal content requirements and specific selection criteria, is available by contacting the Corporation by letter, phone or FAX. LSC will not FAX the solicitation package to interested parties; however, solicitation packages may be requested by FAX. The Corporation may be contacted at: (202)336-8865; FAX (202)336-7272.

Issue Date: February 11, 1997.

Stephanie Rorie,
Managing Program Analyst, Office of Program Operations.

[FR Doc. 97-3772 Filed 2-13-97; 8:45 am]

BILLING CODE 7050-01-P

**Notice of Availability of 1997
Competitive Grant Funds for Webb
County, Texas**

AGENCY: Legal Services Corporation.

ACTION: Solicitation of Proposals for the Provision of Civil Legal Services for Webb County, Texas.

SUMMARY: The Legal Services Corporation (LSC or Corporation) is the national organization charged with administering federal funds provided for civil legal services to the poor. Congress has adopted legislation requiring LSC to utilize a system of competitive bidding for the award of grants and contracts for calendar year 1997.

The Corporation hereby reannounces the availability of 1997 competitive grant funds and is soliciting grant proposals from interested parties who are qualified to provide effective, efficient, and high quality civil legal services to the eligible client population in Webb County, Texas. The Corporation plans to award a grant in the amount of \$218,741.

DATES: Request for Proposals (RFP) will be available after February 14, 1997. A Notice of Intent to Compete is due by March 14, 1997. Grant proposals must be received at LSC offices by 5:00 p.m. EDT, March 28, 1997.

ADDRESSES: Legal Services Corporation—Competitive Grants, 750 First Street N.E., 10th Floor, Washington, DC 20002-4250.

FOR FURTHER INFORMATION CONTACT: Lisa Thomas, Administrative Assistant, Office of Program Operations, (202) 336-8865.

SUPPLEMENTARY INFORMATION: LSC is seeking proposals from recipients, other non-profit organizations that have as a purpose the furnishing of legal assistance to eligible clients, private attorneys, groups of private attorneys or law firms, State or local governments, and substate regional planning and coordination agencies which are composed of substate areas and whose governing boards are controlled by locally elected officials.

The solicitation package, containing the grant application, guidelines, proposal content requirements and specific selection criteria, is available by contacting the Corporation by letter, phone or FAX. LSC will not FAX the solicitation package to interested parties; however, solicitation packages may be requested by FAX. The Corporation may be contacted at: (202)336-8865; FAX (202)336-7272.

Issue Date: February 11, 1997.

Stephanie Rorie,

Managing Program Analyst, Office of Program Operations.

[FR Doc. 97-3771 Filed 2-13-97; 8:45 am]

BILLING CODE 7050-01-P

**Sunshine Act Meeting; of the
Presidential Search Committee of the
Board of Directors**

TIME AND DATE: The Presidential Search Committee of the Legal Services Corporation Board of Directors will meet by teleconference on February 20, 1997, at 9:00 a.m.

STATUS OF MEETING: Although a portion of the meeting will be open to the public, most of it will be closed pursuant to a unanimous vote of the Board of Directors to hold an executive session. At the executive session, the Committee will hear a status report by representatives of the independent search firm assisting the committee to identify and recruit candidates for the position of President of the Legal Services Corporation and will provide direction to the search firm. It is anticipated that specific individuals will be selected to be interviewed in March.

The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. § 552b(c)(2) & (6)] and the corresponding regulation of the Legal Services Corporation [45 C.F.R. § 1622.5(a) & (e)]. A copy of the General Counsel's Certification that the closing is authorized by law will be posted for public inspection at Corporation headquarters, 750 First Street NE., Washington, DC 20002, in its 11th floor reception area, and will also be available upon request.

LOCATION: Members of the Committee and directors wishing to participate, as well as members of the Corporation's staff and the public, will be able to hear and participate in the meeting by means of telephonic conferencing equipment set up for this purpose in the Corporation's Conference Room, on the 11th floor of 750 First Street, NE., Washington, DC 20002.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of executive session minutes of Nov. 22, 1996.
3. Approval of minutes of Jan. 22, 1997.
4. Approval of executive session minutes of Jan. 22, 1997

Closed Session

5. Discussion with and direction to representatives of Isaacson Miller, the independent search firm assisting the committee to identify candidates for consideration for the position of President of the Legal Services Corporation, about specific candidates for the position.
 6. Selection of specific individuals for interview in March.
- Open Session
7. Other business, including public comment and scheduling of the Committee's next meeting.

CONTACT PERSON FOR INFORMATION:

Victor M. Fortuno, General Counsel & Secretary of the Corporation, (202) 336-8810.

SPECIAL NEEDS: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Barbara Asante, at (202) 336-8800.

Dated: February 11, 1997.

Victor M. Fortuno,
General Counsel.

[FR Doc. 97-3910 Filed 2-12-97; 2:41 pm]

BILLING CODE 7050-01-P

MISSISSIPPI RIVER COMMISSION

Sunshine Act; Meeting

Agency Holding the Meetings: Mississippi River Commission.

Time and Date: 8:30 a.m., March 17, 1997.

Place: On board MISSISSIPPI V at City Front, Cape Girardeau, MO.

Status: Open to the public.

Matters to be Considered: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Memphis District.

Time and Date: 8:30 a.m., March 18, 1997.

Place: On board MISSISSIPPI V at City Front, Memphis, TN.

Status: Open to the public.

Matters to be Considered: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; and (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control,

Mississippi River and Tributaries Project.

Time and Date: 8:30 a.m., March 19, 1997.

Place: On board MISSISSIPPI V at Corps of Engineers Bank Grading and Mat Loading Facility, Foot of Deaton Street, Greenville, MS.

Status: Open to the public.

Matters to be Considered: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

Time and Date: 8:30 a.m., March 20, 1997.

Place: On board MISSISSIPPI V at City Front, Natchez, MS.

Status: Open to the public.

Matters to be Considered: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in Vicksburg District.

Time and Date: 8:30 a.m., March 21, 1997.

Place: On board MISSISSIPPI V at Julia Street Wharf, New Orleans, LA.

Status: Open to the public.

Matters to be Considered: (1) Report on general conditions of the Mississippi River and Tributaries Project and major accomplishments since the last meeting; (2) Views and suggestions from members of the public on any matters pertaining to the Flood Control, Mississippi River and Tributaries Project; and (3) District Commander's report on the Mississippi River and Tributaries Project in New Orleans District.

Contact Person for More Information: Mr. Noel D. Caldwell, telephone 601-634-5766.

Noel D. Caldwell

Executive Assistant, Mississippi River Commission.

[FR Doc. 97-3864 Filed 2-12-97; 10:00 am]

BILLING CODE 3710-PU-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (97-015)]

NASA Advisory Council (NAC), Advisory Committee on the International Space Station (ACISS); Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting change.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 62 FR 4552, Notice Number 97-009, January 30, 1997.

PREVIOUSLY ANNOUNCED DATES AND ADDRESSES OF MEETING: Tuesday, February 18, 1997, from 8:30 a.m. To 5:00 p.m. and Wednesday, February 19, 1997, from 12:30 p.m. Until 2:00 p.m.; NASA Headquarters, MIC 7, 300 E Street, SW, Washington, DC 20546.

CHANGES IN THE MEETING: Dates changed to February 18, 1997, from 8:30 a.m. To 4:00 p.m. and Wednesday, February 19, 1997, from 12:30 a.m. To 2:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mr. W. Michael Hawes, Code M-4, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-0242.

Dated: February 5, 1997.

Leslie M. Nolan,

*Advisory Committee Management Officer
National Aeronautics and Space Administration.*

[FR Doc. 97-3817 Filed 2-13-97; 8:45am]

BILLING CODE 7510-01-M

[Notice (97-014)]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Science and Applications Advisory Subcommittee; 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, Life and Microgravity Sciences and Applications Advisory Committee, Microgravity Science and Applications Advisory Subcommittee.

DATES: March 5, 1997, 10:00 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration, Program Review Center, Room 9H40, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT:

Dr. Bradley M. Carpenter, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202-358-0813.

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:

- Program Status Report
- Advisory Committee Changes
- Biotechnology Discipline Status
- Impact of the National Aeronautics and Space Administration Downsizing/Restructuring
- Program Outlook and Planning Efforts
- Informal Discussion

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 5, 1997.

Leslie M. Nolan,

*Advisory Committee Management Officer,
National Aeronautics and Space Administration.*

[FR Doc. 97-3816 Filed 2-13-97; 8:45 am]

BILLING CODE 7510-01-M

[Notice 97-016]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that AirFlow Catalyst Systems, Inc., 11 State Street, Suite 203, Pittsford, New York 14534, has applied for a partially exclusive license to practice the inventions described and claimed in U.S. Patent No. 4,829,035, entitled "REACTIVATION OF A TIN OXIDE-CONTAINING CATALYST," U.S. Patent NO. 4,855,274, entitled "PROCESS OF MAKING NOBLE METAL ON TIN OXIDE CATALYST," U.S. Patent No. 4,912,082, entitled "CATALYST FOR CARBON MONOXIDE OXIDATION," U.S. Patent No. 4,991,181, entitled "CATALYST FOR CARBON MONOXIDE OXIDATION," and for the inventions covered by NASA Case Numbers LAR-15317-1-CU, entitled "OXIDATION CATALYST PROMOTER," and LAR-15327-1-CU, entitled "PROCESS FOR COATING SUBSTRATES WITH CATALYTIC MATERIALS." Written objections to the prospective grant of a license should be sent to Langley Research Center.

DATES: Responses to this notice must be received by April 15, 1997.

FOR FURTHER INFORMATION CONTACT:

Mr. George F. Helfrich, Patent Counsel, Langley Research Center, Mail Stop 212, Hampton, VA 23681-0001; telephone (757) 864-9260; fax (757) 864-9190.

Dated: February 2, 1997.

Edward A. Frankle,
General Counsel.

[FR Doc. 97-3818 Filed 2-13-97; 8:45 am]

BILLING CODE 7510-01-M

[Notice (97-018)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that MICRO CLEAN of Ashley, New York, has applied for an exclusive license to practice the invention described and claimed in U.S. Patent Application Serial No. 08/678,100, entitled "CONTAMINATION SAMPLING DEVICE," 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 Marshall Space Flight Center.

DATES: Responses to this notice must be received by April 15, 1997.

FOR FURTHER INFORMATION CONTACT: Robert L. Broad, Jr., Patent Counsel, Marshall Space Flight Center, Mail Code CC01, Huntsville, AL 35812; telephone (205) 544-0021; fax (205) 544-0258.

Dated: February 2, 1997.

Edward A. Frankle,
General Counsel.

[FR Doc. 97-3820 Filed 2-13-97; 8:45 am]

BILLING CODE 7510-01-M

[Notice (97-017)]

Notice of Prospective Patent License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of prospective patent license.

SUMMARY: NASA hereby gives notice that Micro Control, Incorporated, of 4970 Countryside Drive, West Bloomfield, Michigan 48323, has applied for a partially exclusive license to practice the invention described and claimed in NASA Case Number LAR-14840-1, entitled "VARIABLE AND FIXED FREQUENCY PULSED PHASE-LOCKED LOOP," and the invention described in NASA Case Number LAR-15376-1, entitled "RELATIVE PHASE

MEASUREMENT INSTRUMENT FOR MULTIPLE ECHO SYSTEMS," which 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 should be sent to Langley Research Center.

DATES: Responses to this notice must be received by April 15, 1997.

FOR FURTHER INFORMATION CONTACT: Ms. Robin W. Edwards, Patent Attorney, Langley Research Center, Mail Stop 212, Hampton, VA 23681-0001; telephone (757) 864-3230; fax (757) 864-9190.

Dated: February 2, 1997.

Edward A. Frankle,
General Counsel.

[FR Doc. 97-3819 Filed 2-13-97; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Nixon Presidential Historical Materials; Opening of Materials

AGENCY: National Archives and Records Administration.

ACTION: Notice of opening of materials.

SUMMARY: This notice announces the opening of additional files from the Nixon Presidential historical materials. Notice is hereby given that, in accordance with section 104 of the Presidential Recordings and Materials Preservation Act ("PRMPA", 44 U.S.C. 2111 note) and section 1275.42(b), of the PRMPA Regulations implementing the Act (36 CFR part 1275), the agency has identified, inventoried, and prepared for public access integral file segments of materials among the Nixon Presidential materials.

DATES: In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege concerning access to these materials should notify the Archivist of the United States in writing of the claimed right, privilege, or defense before March 14, 1997.

ADDRESSES: The materials will be made available to the public at the National Archives at College Park, located at 8601 Adelphi Road, College Park, Maryland.

Petitions asserting a legal or constitutional right or privilege which would prevent or limit access must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Road, College Park, MD 20740-6001.

FOR FURTHER INFORMATION CONTACT: Karl Weissenbach, Acting Director, Nixon Presidential Materials Staff, 301-713-6950.

SUPPLEMENTARY INFORMATION: The integral file segments of textual materials to be opened consist of 22.8 cubic feet.

The White House Central Files Unit is a permanent organization within the White House complex that maintains a central filing and retrieval system for the records of the President and his staff. This is the thirteenth of a series of openings of Central Files: the previous openings were on December 1, 1986; March 22, 1988; December 9, 1988; July 17, 1989; December 15, 1989; August 22, 1991; February 19, 1992; July 24, 1992; May 17, 1993; July 15, 1993; January 12, 1995; and December 19, 1995.

Some of the materials designated for opening on March 26, 1997, are from the White House Central Files, Subject Files. The Subject Files are based on an alphanumeric file scheme of 61 primary categories. Listed below are the integral file segments from the White House Central Files, Subject Files that will be made available to the public on March 26, 1997.

Subject category	Volume (cubic feet)
Federal Government (FG)	21.5
FG 174 National Foundation of Arts and Humanities	
FG 175 National Historical Publications Foundation	
FG 176 National Home Ownership Foundation	
FG 177 National Corporation for Housing Partnerships	
FG 178 National Labor Relations Board	
FG 179 National Mediation Board	
FG 180 National Park Foundation	
FG 181 National Review Board for the Center for Cultural and Technical Interchange Between East and West	
FG 183 National Visitor Facilities Advisory Commission	
FG 184 National Water Commission	
FG 185 New England Regional Commission	
FG 186 New Jersey Tercentenary Celebration Commission	
FG 187 Ozarks Regional Commission	
FG 188 Pacific Marine Fisheries Commission	
FG 189 Panama Canal Company	
FG 190 Permanent Committee for the Oliver Wendell Holmes Devise	

Subject category	Volume (cubic feet)	Subject category	Volume (cubic feet)	Subject category	Volume (cubic feet)
FG 191 President's Advisory Committee on Labor-Management Policy		FG 258 President's Commission on Personnel Interchange		FG 296 Commission on Railroad Retirement	
FG 192 President's Advisory Council on Cost Reduction		FG 260 Rural Affairs Council		FG 297 National Advisory Commission on Jobs for Veterans	
FG 193 President's Commission on Crime in the District of Columbia		FG 261 Federal Labor Relations Council			
FG 194 President's Commission for the Observance of the Human Rights Year		FG 262 Commission on Government Procurement			
FG 195 President's Commission on Postal Organization		FG 263 Commission on International Trade and Investment Policy			
FG 196 President's Commission on White House Fellows		FG 264 Overseas Private Investment Corporation			
FG 197 President's Committee on Consumer Interests		FG 266 President's Advisory Council on Management Improvement			
FG 198 President's Committee on Employment of the Handicapped		FG 267 President's Commission on Financial Structure and Regulation			
FG 199 President's Committee on Manpower		FG 268 Property Review Board			
FG 200 President's Committee on Mental Retardation		FG 269 Committee on Social Program Research			
FG 201 President's Committee on National Medal of Science		FG 270 Committee on Puerto Rican Electoral Participation			
FG 202 President's Committee on Rural Power		FG 271 Cabinet-Level Working Group to Explore Executive Branch Assistance to Local Communities			
FG 203 President's Committee on Urban Housing		FG 272 Inter-Agency Economic Adjustment Committee			
FG 204 President's Council on Aging		FG 273 President's Commission on School Finance			
FG 231 United States Tariff Commission		FG 274 National Credit Union Administration			
FG 232 Upper Great Lakes Regional Commission		FG 275 Commission on Population Growth and the American Future			
FG 239 United States Arms Control and Disarmament Agency		FG 276 Oil Policy Committee			
FG 240 Interagency Advisory Committee for Motor Vehicle Accident Losses		FG 277 Inter-Agency Committee on the Virgin Islands			
FG 241 Committee on Federal Credit Programs		FG 279 Tahoe Regional Planning Agency			
FG 242 Lewis and Clark Trail Commission		FG 280 National Council on Federal Disaster Assistance			
FG 243 United States Territorial Expansion Commission		FG 281 New England River Basins Commission			
FG 244 Federal Field Committee for Development Planning in Alaska		FG 282 President's Commission for the Observance of the Twenty-fifth Anniversary of the United Nations			
FG 245 Marine Corps Memorial Commission		FG 283 Federal Metal and Nonmetallic Mine Safety Board			
FG 246 James Madison Memorial Commission		FG 284 Pacific Northwest River Basins Commission			
FG 247 Office of Inter-governmental Relations		FG 285 Souris-Red-Rainy River Basins Commission			
FG 248 Interdepartmental ad hoc Committee to Review the Supersonic Transport Program		FG 287 National Council on Organized Crime			
FG 253 President's Committee on the Vietnam Veteran		FG 289 National Commission on Productivity			
FG 254 President's Commission on Federal Statistics		FG 290 Regulations and Purchasing Review Board			
FG 255 Great Lakes Basin Commission		FG 291 Aviation Advisory Commission			
FG 256 Cabinet Committee on Construction		FG 292 Peru Earthquake Voluntary Assistance Group			
FG 257 Construction Industry Collective Bargaining Commission		FG 293 National Commission on Libraries and Information Science			
		FG 294 National Reading Council			
		FG 295 United States Postal Service			

A number of documents which were previously withheld from public access have been reviewed for release and/or declassified under the Mandatory Review provisions of Executive Order 12958 and will be made available to the public on March 26, 1997.

Previously restricted materials...1.3 cubic feet

Public access to some of the items in the file segments will be restricted in accordance with 36 CFR 1275.50 or 1275.52 (Public Access Regulations).

Dated: February 10, 1997.

John W. Carlin,

Archivist of the United States.

[FR Doc. 97-3701 Filed 2-13-97; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL CREDIT UNION ADMINISTRATION

Information Collection; Comment Request for Re-Clearance

February 14, 1997.

The National Credit Union Administration (NCUA) intends to submit the following public information collection request to the Office of Management and Budget (OMB) for review and re-clearance under the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). This information collection is published to obtain comments from the public. Public comments are encouraged and will be accepted for 60 days from the date listed at the top of this page in the Federal Register.

Copies of the information collection request, with applicable supporting documentation, may be obtained by calling the Acting NCUA Clearance Officer, Marijean Brown, (703-518-6413). Comments and/or suggestions regarding the information collection request should be directed to Mrs. Brown at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314-3428; Fax No. (703) 518-6433; E-Mail Address: marijean@ncua.gov within 60 days from the date of this publication in the Federal Register.

National Credit Union Administration

OMB Number: 3133-0024.

Form Number: None.

Type of Review: Re-clearance, without change, of a currently approved collection.

Title: Mergers of Federally Insured Credit Unions.

Description: Part 708b of NCUA's regulations sets forth the procedures for credit union mergers.

Respondents: Federal and State Credit Unions.

Estimated No. of Respondents/Recordkeepers: 200.

Estimated Burden Hours Per Response: 15.

Frequency of Response: On occasion.
Estimated Total Annual Burden Hours: 3,000.

Estimated Total Annual Cost: \$44,640.

OMB Number: 3133-0035.

Form Number: None.

Type of Review: Re-clearance, without change, of a currently approved collection.

Title: Trustees and Custodians of Pension Plans.

Description: A federal credit union acting as trustee for a retirement plan must maintain individual records for each participant and provide each participant with notice of the insurance status of their account.

Respondents: Federal Credit Unions.

Estimated No. of Respondents/Recordkeepers: 3,877.

Estimated Burden Hours Per Response: 1.

Frequency of Response: On occasion.
Estimated Total Annual Burden Hours: 193,850.

Estimated Total Annual Cost: \$2,884,488.

By the National Credit Union Administration Board on February 6, 1997.
Becky Baker,
Secretary of the Board.

[FR Doc. 97-3687 Filed 2-13-97; 8:45 am]

BILLING CODE 7535-01-P

NUCLEAR REGULATORY COMMISSION

Proposed Generic Communication; Loss of Reactor Coolant Inventory and Associated Potential for Loss of Emergency Mitigation Functions While in a Shutdown Condition (M92635)

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of opportunity for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to issue a generic letter that will request addressees to (1) assess the

susceptibility of their emergency core cooling system (ECCS) to common-cause failure as a result of reactor coolant system (RCS) draindown while in a shutdown condition, and (2) submit certain information, pursuant to § 50.54(f) of Title 10 of the Code of Federal Regulations (10 CFR 50.54(f)), concerning their findings regarding potential pathways for inadvertent RCS drain-down and the suitability of configuration control and operating practices during reactor shutdown cooling. This information will enable NRC staff to verify whether addressees comply and conform with NRC regulatory and license requirements; i.e., are adequately maintaining the residual heat removal safety function to transfer fission product decay heat and other residual heat from the reactor core (General Design Criterion (GDC) 34 of Appendix A to 10 CFR 50), and the ECCS to provide abundant emergency core cooling when required (GDC 35 of Appendix A to 10 CFR part 50). The NRC is seeking comment from interested parties regarding both the technical and regulatory aspects of the proposed generic letter presented under the Supplementary Information heading.

The proposed generic letter has been endorsed by the Committee to Review Generic Requirements (CRGR). The relevant information that was sent to the CRGR will be placed in the NRC Public Document Room. The NRC will consider comments received from interested parties in the final evaluation of the proposed generic letter. The NRC's final evaluation will include a review of the technical position and, as appropriate, an analysis of the value/impact on licensees. Should this generic letter be issued by the NRC, it will become available for public inspection in the NRC Public Document Room.

DATES: Comment period expires March 17, 1997. Comments submitted after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except for comments received on or before this date.

ADDRESSES: Submit written comments to Chief, Rules Review and Directives Branch, U.S. Nuclear Regulatory Commission, Mail Stop T-6D-69, Washington, DC 20555-0001. Written comments may also be delivered to 11545 Rockville Pike, Rockville, Maryland, from 7:30 am to 4:15 pm, Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, 2120 L Street, N.W. (Lower Level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Muhammad M. Razzaque (301) 415-2882.

SUPPLEMENTARY INFORMATION:

NRC Generic Letter 97-xx: Loss of Reactor Coolant Inventory and Associated Potential for Loss of Emergency Mitigation Functions While in a Shutdown Condition

Addressees

All holders of operating licenses for pressurized-water reactors (PWRs), except those that have certified to the permanent cessation of operations.

Purpose

The U.S. Nuclear Regulatory Commission (NRC) is issuing this generic letter to request that addressees (1) assess the susceptibility of their emergency core cooling systems (ECCSs) to common-cause failure as a result of reactor coolant system (RCS) draindown while in a shutdown condition, and (2) submit certain information, pursuant to § 50.54(f) of Title 10 of the Code of Federal Regulations (10 CFR 50.54(f)), concerning their findings regarding potential pathways for inadvertent RCS drain-down and the suitability of configuration control and operating practices during reactor shutdown cooling. This information will enable NRC staff to verify whether addressees comply and conform with NRC regulatory and license requirements; i.e., are adequately maintaining the RHR safety function to transfer fission product decay heat and other residual heat from the reactor core (General Design Criterion (GDC) 34 of Appendix A to 10 CFR part 50), and the ECCS to provide abundant emergency core cooling when required (GDC 35 of Appendix A to 10 CFR part 50).

Background

The NRC issued Information Notice (IN) 95-03, "Loss of Reactor Coolant Inventory and Potential Loss of Emergency Mitigation Functions While in a Shutdown Condition," on January 12, 1995, to alert addressees to an incident at the Wolf Creek Plant involving the loss of reactor coolant inventory while the reactor was in a shutdown condition. In that event, operators were attempting to reborate residual heat removal (RHR) train B, while at the same time maintenance personnel were repacking an RHR train A-to-train B crossover isolation valve. Train B is reborated by recirculating water through a loop that contains the RHR system piping, the refueling water storage tank (RWST), a containment spray pump, a manual RWST isolation

valve, and an RHR system crossover line. When the RWST isolation valve was opened for the rebaration process and the train A-to-train B crossover isolation valve was opened for stroke testing, a drain-down path was inadvertently created from the reactor coolant system (RCS) to the RWST. This drain-down path included a suction header common to all ECCS pumps.

Events of this nature are considered particularly significant because they can result in loss of emergency core cooling capability and involve the potential for containment bypass. On March 25, 1996, the staff issued a supplement to IN 95-03 that further analyzed the event. The NRC has also issued a number of other communications describing events at reactor facilities involving inadvertent loss of reactor coolant inventory while the reactor was in a shutdown condition. The Office for Analysis and Evaluation of Operational Data (AEOD) published AEOD/E704, "Discharge of Primary Coolant Outside of Containment at PWRs While on RHR Cooling," in March 1987, which documented six events involving RCS backflow into the RWST. In Generic Letter 88-17, "Loss of Decay Heat Removal (DHR) 10 CFR 50.54(f)," dated October 17, 1988, the NRC requested several actions to address loss-of-DHR events that occurred while reactors were in a shutdown condition. In IN 91-42, "Plant Outage Events Involving Poor Coordination Between Operations and Maintenance Personnel During Valve Testing and Manipulations," dated June 27, 1991, the NRC discussed inadvertent loss-of-inventory events.

Discussion

At Wolf Creek, all ECCS pump suction lines are tied into a common suction header. When the draindown event occurred at Wolf Creek, hot RCS water was introduced into this common suction header between the RWST and the ECCS pumps. This hot water flashed to steam, resulting in a steam/water mixture in the header. In the event of an ECCS actuation, this mixture would have been introduced into the suction of the ECCS pumps. If operators had not been able to terminate the event, the hot water in the RWST suction piping might have led to steam binding, which could have affected all pumps in both ECCS trains. In addition, water flashing to steam in the header and the RWST could have caused serious mechanical damage to the RHR piping and the RWST as a result of water hammer. Finally, steaming through the RWST establishes a containment bypass path.

The licensee estimated (using actual plant conditions) that for an

unmitigated event, the reactor vessel water level could have drained to the bottom of the hot leg within 5 minutes and, as a consequence, RHR pump A would have lost suction, cavitated, and failed. Shortly thereafter, the common ECCS suction header could have reached a 90-percent steam/water ratio. The licensee also estimated that continued boil-off could have caused the pressure vessel water level to drop to the point of core uncover in less than 1 hour.

The AEOD report "Reactor Coolant System Blowdown at Wolf Creek on September 17, 1994," (AEOD/S95-01), dated March 1995, noted 19 events in which RCS water was transferred to the RWST. On the basis of this history and the potential for containment bypass, the staff has concluded that additional information is required to confirm the adequacy of existing ECCS configuration control and operating practices regarding residual heat removal.

Requested Actions

Addressees are requested to determine whether their ECCSs are susceptible to common-cause failure, e.g., as a result of events similar to the Wolf Creek RCS drain-down event of September 17, 1994.

If ECCSs are found to be susceptible to common-cause failure, addressees are expected to take corrective action, as appropriate, in accordance with the requirements stated in Section XVI of Appendix B to 10 CFR Part 50, to ensure compliance with NRC regulatory and license requirements.

Requested Information

Within 120 days of the date of this generic letter, addressees are requested to submit a written summary report that includes a description of the evaluation conducted and the conclusions reached concerning the susceptibility of the RCS to drain-down events with a potential for consequential common-cause ECCS failure, and the corrective actions that were taken, or that are planned to be taken, if any, in response to the above requested actions. If the RCS is found to be susceptible to drain-down events, describe each potential drain-down flow path (include piping sizes, identify flow path valves and their normal positions, and identify valve interlocks and provisions for valve position indication in the control room), describe potential valve testing manipulations or uses, and describe any administrative controls that are intended to be used to control valve manipulations to preclude RCS drain-down events.

Required Response

Within 30 days of the date of this generic letter, addressees are required to submit a written response indicating (1) whether or not the requested actions will be taken, (2) whether or not the requested information will be submitted, and (3) whether or not the requested information will be submitted within the requested time period. Addressees who choose not to complete the requested actions, or choose not to submit the requested information, or are unable to satisfy the requested completion date must describe in their response any alternative course of action that is proposed to be taken, including the basis for establishing the acceptability of the proposed alternative course of action and the basis for continued operability of affected systems and components, as applicable.

Address the required written responses to the U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, D.C. 20555-0001, under oath or affirmation under the provisions of Section 182a of the Atomic Energy Act of 1954, as amended, and 10 CFR 50.54(f). In addition, submit a copy to the appropriate regional administrator.

Backfit Discussion

The actions requested in this generic letter, if required, would be backfits in accordance with NRC procedures and are necessary to ensure that addressees are in compliance with existing NRC rules and regulations. Specifically, 10 CFR 50.46 requires that the ECCS be designed to provide adequate flow capability to maintain the core temperature at an acceptably low value and to remove decay heat for the extended period of time required by the long-lived radioactivity remaining in the core. The Wolf Creek event has demonstrated that the adequacy of ECCS configuration control and operating practices regarding residual heat removal can adversely impact ECCS performance and could prevent the ECCS from performing its safety function following events at reactor facilities involving inadvertent loss of reactor coolant inventory while the reactor is shut down. Therefore, this generic letter is being issued as if the requested actions were compliance backfits under the terms of 10 CFR 50.109(a)(4)(i). A full backfit analysis was not performed. However, in accordance with NRC procedures, an evaluation was prepared stating the objectives of and the reasons for the requested actions and the basis for invoking the compliance exception if

the requested actions were to be required. A copy of this evaluation will be made available in the NRC Public Document Room.

Dated at Rockville, Maryland, this 10th day of February 1997.

For the Nuclear Regulatory Commission,
Thomas T. Martin,
*Director, Division of Reactor Program
Management, Office of Nuclear Reactor
Regulation.*

[FR Doc. 97-3737 Filed 2-13-97; 8:45 am]
BILLING CODE 7590-01-P

**Advisory Committee on Reactor
Safeguards Joint Meeting of the ACRS
Subcommittees on Materials and
Metallurgy and on Severe Accidents;
Meeting**

The ACRS Subcommittees on Materials and Metallurgy and on Severe Accidents will hold a joint meeting on March 4 and 5, 1997, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

*Tuesday, March 4, 1997—8:30 a.m.
until the conclusion of business
Wednesday, March 5, 1997—8:30 a.m.
until 12:00 Noon*

The Subcommittees will review the regulatory analysis and technical bases for the steam generator tube integrity rule, as well as an associated regulatory guide. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittees, their consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittees, along with any of their consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittees will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415-6888) between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: February 7, 1997.
Sam Duraiswamy,
Chief, Nuclear Reactors Branch.
[FR Doc. 97-3738 Filed 2-13-97; 8:45 am]
BILLING CODE 7590-01-P

[DD-97-03]

**Director's Decision Under 10 CFR
2.206**

In the Matter of Davis-Besse Nuclear Power Station and Toledo Coalition for Safe Energy.

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, has taken action with regard to the Petition of December 5, 1995, by the Toledo Coalition for Safe Energy, Alice Hirt, Charlene Johnston, Dini Schut, and William Hoops (Petitioners), that the Director of the Office of Nuclear Material Safety and Safeguards exercise his authority to immediately issue orders to prevent the loading of spent nuclear fuel into the VECTRA Technologies, Inc. (VECTRA) NUHOMS dry-shielded canisters (DSCs) at the Davis-Besse Nuclear Power Station until an NRC rulemaking and/or license modification hearing is conducted on all safety-related changes which have been made to the DSCs, as described in the Safety Analysis Report. Also, the NRC was requested not to authorize any loading of the DSCs until a written procedure for unloading, in both urgent and non-urgent circumstances, was written, approved, and field-tested.

Petitioners contend that the safety of the DSCs has been compromised because of reduction in the thickness of the DSC welds. In addition, they claim that the NRC administrative process by which permission was granted for VECTRA to deliver the DSCs to the

Davis-Besse station and for the DSCs to be used on site are legally suspect, expressing the belief that agency rulemaking or some other public proceeding is necessary for permission for such a transfer and use to be granted.

The Director of the Office of Nuclear Material Safety and Safeguards has determined that the NRC Certificate of Compliance for VECTRA's standardized NUHOMS should be modified to require a fabrication inspection of the DSC. An agency rulemaking is, therefore, needed and should be conducted to accomplish this modification. However, because the continued storage of spent fuel in the DSCs at Davis-Besse does not pose an unreasonable risk to public health and safety, there is no technical basis to require the DSCs to be unloaded pending completion of this rulemaking. Further, VECTRA has already been cited for a nonconformance with NRC regulations, and there is no basis in the Petition to take other action in this regard. Toledo Edison has developed loading and unloading procedures for handling spent fuels. These procedures have been applied for the dry run testing with NRC's oversight. Therefore, there is no basis in the Petition for requiring halting of the ISFSI operation at Davis-Besse. Accordingly, the Petition from the Toledo Coalition for Safe Energy is granted to the extent that it requests an agency rulemaking and is denied in all other respects. The reasons for this decision are explained in the "Director's Decision under 10 CFR 2.206" (DD-97-03), which is available for public inspection in the Commission's Public Document Room, Gelman Building, 2120 L Street, NW, Washington, DC 20555, and in the Local Public Document Room, William Carlson Library, University of Toledo, 2001 West Bancroft Avenue, Toledo, Ohio 43606.

A copy of this Decision will be filed with the Office of the Secretary for the Commission in accordance with 10 CFR 2.206(c). As provided by this regulation, the Decision will constitute the final action of the Commission 25 days after the date of issuance of the Decision unless the Commission, on its own motion, institutes a review of the Decision within that time.

Dated at Rockville, Maryland, this 5th day of February 1997.

For the Nuclear Regulatory Commission,
Carl J. Paperiello,
*Director, Office of Nuclear Material Safety
and Safeguards.*

[FR Doc. 97-3739 Filed 2-13-97; 8:45 am]
BILLING CODE 7590-01-P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's home page (<http://www.pbgc.gov>).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in February 1997. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in March 1997.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is a specified percentage (currently 80 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the "premium payment year"). The yield figure is reported in Federal Reserve Statistical Releases G. 13 and H. 15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in February 1997 (*i.e.*, 80 percent of the yield figure for January 1997) is 5.46 percent. The following table lists the

assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between March 1996 and February 1997.

For premium payment years beginning in	The required interest rate is
March 1996	4.99
April 1996	5.28
May 1996	5.43
June 1996	5.54
July 1996	5.65
August 1996	5.62
September 1996	5.47
October 1996	5.62
November 1996	5.45
December 1996	5.18
January 1997	5.24
February 1997	5.46

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in March 1997 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's Federal Register. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 6th day of February 1997.

Martin Slate,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97-3680 Filed 2-13-97; 8:45 am]

BILLING CODE 7708-01-P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical

utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Title and purpose of information collection: Survivor Questionnaire; OMB 3220-0032. Under Section 6 of the Railroad Retirement Act (RRA), benefits that may be due on the death of a railroad employee or a survivor annuitant include (1) a lump-sum death benefit (2) a residual lump-sum payment (3) accrued annuities due but unpaid at death, and (4) monthly survivor insurance payments. The requirements for determining the entitlement of possible beneficiaries to these benefits are prescribed in 20 CFR part 234.

When the RRB receives notification of the death of a railroad employee or survivor annuitant, an RRB field office utilizes Form RL-94-F, Survivor Questionnaire, to secure additional information from surviving relatives needed to determine if any further benefits are payable under the RRA. Completion is voluntary. One response is requested of each respondent.

The RRB proposes minor changes to Form RL-94-F to incorporate language required by the Paperwork Reduction Act of 1995 and to request the address of the person who either paid or will pay the deceased annuitant's burial expenses. Currently, the RRB requests only their name and phone number. The completion time for the RL-94-F is estimated at between 5 to 11 minutes. The RRB estimates that approximately 26,500 responses are received annually.

Additional Information or Comments:

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 97-3805 Filed 2-13-97; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE
COMMISSION**

[Release No. 35-26661]

**Filings Under the Public Utility Holding
Company Act of 1935, as Amended
("Act")**

February 7, 1997.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 3, 1997, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Entergy Corporation (70-8839)

Entergy Corporation ("Entergy" or the "Company"), 639 Loyola Avenue, New Orleans, Louisiana, 70113, a registered holding company, has filed a post-effective amendment to its declaration under sections 6(a) and 7 of the Act and rule 54 thereunder.

By order dated June 6, 1996 (HCAR No. 26541), Entergy was authorized to issue and sell through December 31, 2000, up to ten million shares of its authorized but unissued common stock, par value \$0.01 per share, pursuant to its new Dividend Reinvestment and Stock Purchase Plan (the "Plan").

The Plan provides that participants may elect to: (1) automatically reinvest dividends received on all of their shares of common stock; or (2) automatically reinvest dividends received on less than all of their shares of common stock and continue to receive cash dividends on

their remaining shares; and/or (3) invest in additional shares of common stock of making optional cash investments.

Entergy now proposes to issue and sell up to an additional twenty million shares of its authorized but unissued common stock, par value \$0.01 per share ("Common Stock"), pursuant to the Plan. All other provisions of the Plan will remain as previously authorized by the Commission.

The Common Stock purchased on behalf of the participants will be either previously issued shares purchased on the open market or in privately negotiated transactions or newly issued shares purchased directly from the Company. The purchase price of the newly issued shares will be the weighted average of the daily high and low sales prices of the common stock on the New York Stock Exchange ("NYSE") during the pricing period, which will consist of the twelve trading days immediately preceding the investment date. The purchase price for shares purchased on the open market will be the weighted average price paid by the Plan including brokerage fees and commissions.

Optional cash investments in excess of \$3,000 per month may be made pursuant to a waiver granted at the sole discretion of the Company based on the Company's consideration of relevant factors as defined in the Plan. The Plan also provides that in connection with requests for waiver, the Company may, in its discretion, establish a minimum price applicable to the relevant pricing period, as well as discount. The discount may be between 0% and 3% and may vary each month, but once established will apply uniformly to all optional cash investments made for that month pursuant to a waiver.

The Plan will continue to be administered by Chase Mellon Shareholder Services (successor to Mellon Bank, N.A.) or such successor administrator as Entergy may designate.

Allegheny Power System, Inc. 70-8973

Allegheny Power System, Inc. ("APS"), a registered holding company, and its wholly owned nonutility subsidiary company, AYP Capital, Inc. ("AYP"), both located at 10435 Downsville Pike, Hagerstown, Maryland 21720, have filed an application under sections 9(a) and 10 of the Act.

By order dated July 14, 1994 (HCAR No. 26085), APS was authorized to organize and finance AYP to invest in: (i) companies engaged in new technologies related to the core utility business of APS; and (ii) companies acquiring and owning exempt wholesale generators ("EWGs").

By order dated February 3, 1995 (HCAR No. 26229), AYP was authorized to engage in the development, acquisition, construction, ownership and operation of EWGs and in development activities with respect to: (i) qualifying cogeneration facilities and small power production facilities ("SPPs"); (ii) non-qualifying cogeneration facilities, non-qualifying SPPs, and independent power production facilities located within the service territories of APS public utility subsidiary companies; (iii) EWGs; (iv) companies involved in new technologies related to the core business of APS; and (v) foreign utility companies ("FUCOS"). AYP was also authorized to consult for non-affiliate companies. APS was authorized to increase its investment in AYP from \$500,000 to \$3 million.

By order dated October 27, 1995 (HCAR No. 26401), the Commission authorized: (i) AYP or a special-purpose subsidiary ("NEWCO") to provide certain enumerated energy management services ("EM") and demand-side management services ("DSM") to nonassociated customers at market prices and to associated companies at cost; (ii) AYP to engage in activities relating to the development, acquisition, ownership, construction and operation of FUCOS; and to invest in FUCOs through various types of investment vehicles, including limited partnerships or other types of funds, the sole objective of which is to make investments in one or more FUCOs; (iii) APS and AYP to acquire the securities of NEWCOS that own FUCOs or EWGs ("Project NEWCOs"); (iv) AYP or a NEWCO to factor the accounts receivable of associate companies and of nonassociate companies whose primary revenues are derived from the sale of electric power; and (v) AYP or a NEWCO, as agent for APS system companies, to manage the real estate portfolio of APS and its associate companies, to market excess or unwanted real estate and to facilitate the exploitation of resources contained on or in real estate.

By further order dated October 27, 1995, APS was authorized to invest in AYP and AYP was authorized to invest in NEWCOS up to an aggregate of \$100 million through December 31, 1999 through loans to finance activities related to EM and DSM services, accounts receivable, real estate, FUCOs and EWGs. AYP, the NEWCOs, and the Project NEWCOs were authorized to obtain loans from banks or issue other recourse obligations which could be guaranteed by APS or AYP. APS and AYP were authorized to guarantee or act

as surety on bonds, indebtedness and performance and other obligations issued or undertaken by AYP, the NEWCOs or the Project NEWCOs subject to the \$100 million investment authority.

By order dated October 9, 1996 (HCAR No. 26590) APS and AYP were allowed to increase the limit on loans and guarantees from \$100 million to \$300 million for all authorized activities.

The applicants now request Commission authorization, through December 31, 1999 unless further Commission approval is no longer required, or the Commission has approved the continuation of the activities pursuant to a new application, for AYP to acquire one or more subsidiaries ("MARKETCOS"). Applicants further propose AYP be authorized, directly or indirectly through MARKETCOS, to market and sell to industrial, commercial and residential customers located within the United States, appliance and equipment repair warranties, service plans, or other maintenance agreements, covering heating and air conditioning systems and other major appliances.

The applicants state that AYP or the MARKETCO may contract with a third party or parties to provide some support services such as underwriting, handling service claims, marketing, billing and/or cash processing.

The applicants state that they expect the appliance service operation to be largely self-supporting, and estimate that the program will result in gross sales revenue of about \$700,000 in the first year which will rise steadily to approximately \$2.5 million at the end of the fifth year.

Applicants also propose that AYP and/or MARKETCOS, through December 31, 1999, unless further Commission approval is no longer required, or the Commission has approved the continuation of the activities pursuant to a new application, engage in consulting for,¹ marketing, selling, leasing, financing, and acquisition and installation of power quality devices to customers within the United States.²

¹ The consulting services may include, but are not limited to: preventative maintenance inspections of customers' energy facilities and energy-consuming equipment, grounding of electrical systems, and lightning protection. AYP or MARKETCO may also provide diagnostic services and recommend and perform power quality solutions.

² Such devices would include uninterruptible power supplies, power monitoring equipment, surge protection equipment designed to protect electrical components, communication equipment, satellite dishes and other electrical equipment from damage due to transient overvoltage/undervoltage conditions in their electric supply.

AYP or MARKETCO would sell or lease the power quality equipment/services to customers and may make loans to customers to finance the purchase. Loans would be evidenced by promissory notes, the term of which shall not exceed the expected useful life of the equipment. Such secured and unsecured loans would be at market interest rates and on market terms and conditions. The aggregate amount of equipment financing outstanding at any one time under Applicants' power quality program will not exceed \$4 million.

Applicants estimate that the program will result in gross sales revenue of about \$560,000 in the first year and this will rise steadily to about \$2.6 million at the end of the fifth year.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-3702 Filed 2-13-97; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-38261; File No. SR-CBOE-97-06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Enhancements to the CBOE's Order Routing System

February 10, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 5, 1997, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE is adopting certain enhancements to the Exchange's electronic Order Routing System ("ORS") on a pilot basis until May 30, 1997, while the Exchange evaluates the changes and determines whether to implement them on a permanent basis. The enhancements, which will be described in an Information Circular to CBOE members, include the following:

(1) Allowing the electronic routing and processing of contingency and discretionary orders; (2) allowing ORS to recognize firm and broker-dealer orders; (3) allowing the routing of firm and broker-dealer orders to the Public Automated Routing ("PAR") System workstations in the Standard & Poor's 100 Index ("OEX") crowd; and (4) allowing the execution of certain contingency orders on the CBOE's Retail Automated Execution System ("RAES").

The text of the proposed rule change is available at the Office of the Secretary, CBOE, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 CBOE is adopting an Information Circular that describes certain enhancements to ORS. These changes will be implemented on a pilot basis while the Exchange evaluates the changes and determines whether to implement them on a permanent basis. The pilot will expire on May 30, 1997. In the meantime, the Exchange will decide whether to seek permanent approval for the changes.

The information circular that will be distributed to the membership of the Exchange will describe certain enhancements to ORS and certain limitations that will continue to apply to the use of ORS. Specifically, the changes will allow the electronic routing and processing of contingency and discretionary orders, the recognition by ORS of firm and broker-dealer orders, the routing of firm and broker-dealer orders to the PAR System workstations in the OEX crowd, and the execution of certain contingency orders on RAES, as further explained below.

ORS provides member and correspondent firms with a method of efficiently delivering orders to and reports from the CBOE trading floor.

ORS also interfaces with several other peripheral systems at CBOE, including the CBOE Trade Match system, the Time-and-Sales system, the Auto-Quote system, and the market maker hand-held terminals. Member firms with wires attached to the CBOE's front-end computer can send orders electronically from their branches or order desk to ORS. Reports for such orders are sent back electronically to the point from which the order was entered.

Currently, non-contingency and non-broker-dealer orders received by ORS are logged to the ORS database and evaluated, based on volume and price, to determine their routing destination on the CBOE floor. There are four possible destinations for an ORS order: (1) RAES; (2) the Electronic Book ("EBOOK"); (3) the PAR System and floor broker routing; and (4) a firm's booth.

RAES automatically and instantaneously executes customer market and marketable limit orders for eligible series, generally for orders of up to ten contracts. The EBOOK receives pre-open market and limit orders. Generally, intra-day limit orders at least one tick away from the same-side market quote are also sent to EBOOK. Market orders not eligible for automatic execution by RAES, and limit orders "near" the market quote may be floor broker routed to the trading crowd. Such orders are delivered either to printers or to PAR electronic touch-screen workstations at the trading post. Orders not eligible for RAES, EBOOK, or floor broker routing are printed on ORS printers in the member firm booths. These orders are then either run out to the trading crowds or electronically re-routed via the CBOE's Booth Entry and Routing System ("BERS") from booth terminals to EBOOK by the firm staff.¹ Currently, all contingency orders, complex orders (such as spreads), and non-customer orders sent over the ORS wires are delivered to ORS printers in the firm booths. Approximately 70% of customer orders at CBOE are entered through ORS.

The Exchange has recently completed a systems enhancement to ORS, as a result of which it will now be possible to electronically route and process contingency and discretionary orders and to accept firm and broker-dealer orders as valid origin types. The systems enhancements specifically will allow for the routing of the following types of contingency and discretionary orders: All or None orders ("AON"), Immediate

or Cancel orders ("IOC"), Fill or Kill order ("FOK"), Minimum Quantity orders ("MIN"), Stop orders ("STP"), Stop Loss orders ("STP LOSS"), Opening Only orders ("OPG"), Market on Close orders ("MOC"), Closing Only orders ("CLO"), Market if Touched orders ("MIT"), Not Held orders ("NH"), and With Discretion orders. Due to systems and administrative limitations, ORS will continue to be unavailable for stop limit orders as well as spreads, straddles, combos, and other multi-part orders.

There will be a number of practical results from these systems enhancements for customers, brokers, and the Exchange. As a result of these changes, customer orders that are otherwise RAES-eligible market and marketable limit orders tagged with AON, IOC, FOK, or MIN now will be executed on RAES. For MIN orders, the total order quantity must be within the RAES volume. The system enhancements will also have the effect of improving the efficiency of reporting and the accuracy of audit trails for firm and broker-dealer orders because these orders will now have an ORS-id. In addition, the Exchange will enable the system to actually route firm and broker-dealer orders electronically to the PAR workstations in OEX. After the Exchange gains experience with routing firm and broker-dealer orders to the PAR workstations in OEX, it may determine to enable the system to route such orders to equity and Standard & Poor's 500 Index ("SPX") crowds at some future date.

The Exchange expects the system enhancements to provide for more efficient processing of trades because they will allow for electronic fill and cancel reporting to the originating customer destination. In addition, the fill reports will automatically generate an electronic trade match entry. The systems enhancements will also provide parameter controls so that different order types can be selectively crowd routed at the member firm's option. This flexibility will allow the member firms to employ ORS in the method that each firm believes is the most efficient. The flexibility also allows the firms to change the routing depending upon the market circumstances.

Because the system enhancements to ORS will allow the electronic processing and routing of a greater number of order types and because the enhancements will provide greater flexibility for member firms in the routing of their orders, the Exchange believes this rule change is consistent with and furthers the objectives of Section 6(b) of the Act, in general, and

of Section 6(b)(5), in particular, in that it will foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities, and will remove impediments to and perfect the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change effects a change in an existing order-entry system of the Exchange that: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not have the effect of limiting access to or availability of the system, it has become effective on a pilot basis until May 30, 1997, pursuant to Section 19(b)(3)(A) of the Act and Rule 19b-4(e)(5) 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 submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the

¹ Orders that are phoned to the floor or wired to firm-owned house printers can also be re-entered into ORS by the firm's booth staff.

public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by March 7, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.²

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97-3789 Filed 2-13-97; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Request for Public Comments on U.S. Positions in Negotiations on the People's Republic of China's Accession to the World Trade Organization

AGENCY: Office of the United States Trade Representative.

ACTION: Request for public comments.

SUMMARY: The Trade Policy Staff Committee (TPSC) is requesting additional written comments from the public with respect to issues arising in the context of negotiations on the terms and conditions of the People's Republic of China's (China) accession to the World Trade Organization (WTO). In particular, the TPSC is seeking information on market access issues, including tariffs, non-tariff measures, services, access for agricultural products, subsidies and investment policies, and protection of intellectual property rights. The Executive Branch will consider the written comments received in developing and refining U.S. positions and objectives in China's accession negotiations.

EFFECTIVE DATE: Written comments must be received no later than noon, March 14, 1997.

FOR FURTHER INFORMATION CONTACT: Martha Cheng, Director for China, 202-395-5050, or Catherine Field, Senior Counsel for Multilateral Affairs, 202-395-3432, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508.

SUPPLEMENTARY INFORMATION: The Chairman of the TPSC invites written

comments from the public on issues to be addressed in the context of negotiations on China's accession to the WTO. Although the TPSC requested and received comments from the public in July 1994 and August 1988 on China's accession to GATT 1947, the need to obtain more current views and advice on a broad range of issues prompted this request. Specifically, the TPSC is seeking written comments on the full range of issues in China's accession process including: (1) Market access issues related to industrial goods, agriculture, and services (including financial and telecommunications services), such as tariff rates, trading rights, standards, sanitary and phytosanitary measures, import licensing, customs valuation, state trading and trade-related investment measures; (2) non-tariff measures affecting U.S. imports such as licenses, quotas, registration requirements or other measures; (3) China's application of WTO "rules" and disciplines, such as transparency, judicial review, uniform application of its trade rules, compliance with subsidies and antidumping rules, (4) safeguards and (5) protection of intellectual property rights.

All comments will be considered in developing the U.S. position and objectives. Information on products or practices subject to these negotiations should include, whenever appropriate, the import or export tariff classification number used by China for the product concerned.

Written Comments From the Public: Requirements for Submission

Interested persons are invited to submit written comments concerning the issues identified in this notice. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and must be filed on or before noon on Friday, March 14, 1997. Comments must be in English and provided in twenty copies to: Gloria Blue, Room 501, Office of the U.S. Trade Representative, 600 17th Street NW., Washington DC 20508. If the comments contains business confidential information and a party is requesting an exemption from disclosure, each page containing such information should be clearly marked "BUSINESS CONFIDENTIAL," in a contrasting color ink at the top of each page, and 20 copies of a non-confidential summary of the confidential information and a cover letter requesting and justifying such treatment submitted. The version that does not contain business confidential information (the public version) should

be clearly marked at the top and bottom of each page (public version or nonconfidential). This version and the nonconfidential summary shall be available for public inspection by appointment, in the USTR Reading Room, 600 17th Street, NW., Room 101, Washington, DC, Monday through Friday, 10:00 a.m. to 12:00 noon and 1:00 p.m. to 4:00 p.m.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 97-3759 Filed 2-13-97; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

[Docket 37554]

Notice of Order Adjusting the Standard Foreign Fare Level Index

Section 41509(e) of Title 49 of the United States Code requires that the Department, as successor to the Civil Aeronautics Board, establish a Standard Foreign Fare Level (SFFL) by adjusting the SFFL base periodically by percentage changes in actual operating costs per available seat-mile (ASM). Order 80-2-69 established the first interim SFFL, and Order 96-12-14 established the currently effective two-month SFFL applicable through January 31, 1997.

In establishing the SFFL for the two-month period beginning February 1, 1997, we have projected non-fuel costs based on the year ended September 30, 1996 data, and have determined fuel prices on the basis of the latest available experienced monthly fuel cost levels as reported to the Department.

By Order 97-2-6 fares may be increased by the following adjustment factors over the October 1979 level:

Atlantic—1.5555

Latin America—1.5851

Pacific—1.5971

For Further Information Contract:
Keith A. Shangraw (202) 366-2439.

By the Department of Transportation.

Dated: February 10, 1997.

Patrick V. Murphy,

Deputy Assistant Secretary for Aviation and International Affairs.

[FR Doc. 97-3757 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Notice of Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

² 17 CFR 200.30-3(a)(12).

ACTION: Monthly Notice of PFC Approvals and Disapprovals. In January 1997, there were 12 applications approved. Additionally, five approved amendments to previously approved applications are listed.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of 49 U.S.C. 40117 (Pub. L. 103-272) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: County of Jefferson, Beaumont, Texas.

Application Number: 96-02-C-00-BPT.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$529,000.

Estimated Charge Effective Date: May 1, 1997.

Estimated Charge Expiration Date: March 1, 1999.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Aircraft rescue and firefighting (ARFF) vehicle replacement, Improve runway 12 safety area, PFC application and administrative costs.

Decision Date: January 3, 1997.

For Further Information Contact: Ben Guttery, Southwest Region Airports Division, (817) 222-5614.

Public Agency: City of Syracuse Department of Aviation, Syracuse, New York.

Application Number: 96-02-C-00-SYR.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$7,887,547.

Estimated Charge Effective Date: April 1, 1997.

Estimated Charge Expiration Date: February 1, 2001.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators filing FAA Form 1800-31.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Syracuse Hancock International Airport.

Brief Description of Project Approved for Collection and Use: De-icing fluid collection.

Decision Date: January 13, 1997.

For Further Information Contact: Philip Brito, New York Airports District Office, (516) 227-3803.

Public Agency: City of North Bend, Oregon.

Application Number: 96-02-C-00-OTH.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$68,731.

Estimated Charge Effective Date: January 1, 1998.

Estimated Charge Expiration Date: April 1, 1999.

Class of Air Carriers Not Required To Collect PFC's: Non-scheduled air taxi/commercial operators utilizing aircraft having a seating capacity of less than 20 passengers.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at North Bend Municipal Airport.

Brief Description of Projects Approved for Collection and Use: Environmental assessment, Airport layout plan update and pavement/maintenance management, Replace existing lighted wind cone and segmented circle and installation of supplemental wind cones, Terminal parking lot improvements.

Brief Description of Withdrawn Projects: East side terminal area site preparation.

Determination: This project was withdrawn by the public agency in its letter dated December 5, 1996. Therefore, the FAA will not rule on this project in this decision. East airport roadway alignment.

Determination: This project was withdrawn by the public agency in its letter dated October 22, 1996. Therefore, the FAA will not rule on this project in this decision.

Decision Date: January 15, 1997.

For Further Information Contact: Mary Vargas, Seattle Airports District Office, (206) 227-2660.

Public Agency: City of Burlington, Vermont.

Application Number: 96-01-I-00-BTV.

Application Type: Impose a PFC.

PFC Level: \$3.00.

Total Approved Net PFC Revenue in This Decision: \$5,523,153.

Estimated Charge Effective Date: April 1, 1997.

Estimated Charge Expiration Date: November 1, 2001.

Class of Air Carriers Not Required To Collect PFC's: On demand air taxi/commercial operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Burlington International Airport.

Brief Description of Projects Approved for Collection: Expand terminal/landside, South commuter ramp expansion, Reconstruct north end of taxiway A, Purchase runway sweeper.

Brief Description of Project Partially Approved for Collection: North end development.

Determination: Partially approved. The fuel farm portion of this project is not eligible under Airport Improvement Program criteria, Program Guidance Letter 90-1.2. Therefore, only the apron expansion portion of the project is eligible for PFC funding.

Decision Date: January 16, 1997.

For Further Information Contact: Priscilla A. Scott, New England Region Airports Division, (617) 238-7614.

Public Agency: City of Redding, California.

Application Number: 96-01-C-00-RDD.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$1,195,000.

Estimated Charge Effective Date: April 1, 1997.

Estimated Charge Expiration Date: June 1, 2005.

Class of Air Carriers Not Required To Collect PFC's: None.

Brief Description of Projects Approved for Collection and Use: Terminal building remodel, ARFF equipment, Land acquisition, phase I, Runway 16/34 pavement rehabilitation, Runway 34 approach end safety area culvert.

Decision Date: January 23, 1997.

For Further Information Contact: Marlys Vandervelde, San Francisco Airports District Office, (415) 876-2806.

Public Agency: Bureau of Aviation and Ports, State of Connecticut Department of Transportation, Windsor Locks, Connecticut.

Application Number: 96-05-U-00-BDL.

Application Type: Use PFC revenue.

PFC Level: \$3.00.

Total PFC Revenue Approved for Use in This Decision: \$1,978,000.

Charge Effective Date: October 1, 1993.

Charge Expiration Date: January 1, 1997.

Class of Air Carriers Not Required To Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use: Construction of taxiway J between taxiway R and runway 15/33 on the westerly side of runway 6/24 and miscellaneous items, Remote ramp lights, Security fencing project.

Decision Date: January 27, 1997.

For Further Information Contact: Priscilla A. Scott, new England Region Airports Division, (617) 238-7614.

Public Agency: Massachusetts Port Authority, Boston, Massachusetts.

Application Number: 96-02-C-00-BOS.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$163,037,000.

Estimated Charge Effective Date: January 1, 2001.

Estimated Charge Expiration Date: September 1, 2012.

Class of Air Carriers Not Required To Collect PFC's: Air Taxi/commercial operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at General Edward Lawrence Logan International Airport.

Brief Description of Projects Approved for Use: Residential sound insulation, Terminal E modernization, Circulating roadways.

Brief Description of Project Approved for Collection and Use: Elevated walkways.

Decision Date: January 27, 1997.

For Further Information Contact: Priscilla A. Scott, New England Regional Airports Division, (617) 238-7614.

Public Agency: County of Kalamazoo, Kalamazoo, Michigan.

Application Number: 97-01-C-00-AZO.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$3,276,183.

Estimated Charge Effective Date: April 1, 1997.

Estimated Charge Expiration Date: December 1, 2001.

Class of Air Carriers Not Required to Collect PC's: Part 135 air taxi/commercial operators filing FAA Form 1800-31.

Determination: Approved. Based on information submitted in the public

agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Kalamazoo/Battle Creek International Airport.

Brief Description of Projects Approved for Collection and Use: Taxiways, grooving, precision approach path indicator, and building removal, Entrance road rehabilitation, Security access system installation, Obstruction removal, Acquire snow removal equipment (SRE), front and loader, Construct hold aprons, General aviation apron drainage and friction testing vehicle, Acquire ARFF vehicle, Taxiway G rehabilitation, Taxiway F and G lighting, Airfield signs, Supplemental wind cones, Security fencing and gates, Runway fillets and taxistree rehabilitation, Acquire SRE, truck with plow, Environmental assessment for general aviation taxiway, Master plan update, Taxiway C rehabilitation, Wheelchair lift, Interactive training network, Road canopy.

Brief Description of Project Partially Approved for Collection and Use: Acquire Air Zoo Restoration Center.

Determination: Partially approved. This project was included in the application using estimated costs. The final costs of this project was determined prior to the FAA's decision on the application and that final cost was less than estimated. Therefore, the PFC amount has been reduced from that requested.

Brief Description of Projects Approved for Collection: Taxiway B rehabilitation and relocation, Clycol capture system, Wetland mitigation, Commuter concourse expansion, Taxiway D rehabilitation, Perimeter road, Taxiway A rehabilitation, Taxiway E rehabilitation, Baggage claim area expansion.

Brief Description of Project Partially Approved for Collection: Construct taxiway H.

Determination: Partially approved. This project was included in the application using an incorrect percentage of state funds. After correcting the amount of anticipated state funding, the PFC approved amount has been reduced from that requested.

Brief Description of Withdrawn Project: Runway 17/35—rehabilitation.

Determination: This project was withdrawn by the public agency in its letter dated January 9, 1997. Therefore, the FAA will not rule on this project in this decision.

Decision Date: January 27, 1997.

For Further Information Contact: Jack D. Roemer, Detroit Airports District Office, (313) 487-7282.

Public Agency: Capital Region Airports Authority, Lansing, Michigan.
Application Number: 97-02-U-00-LAN.

Application Type: Use PFC revenue.

PFC Level: \$3.00.

Total PFC Revenue Approved for Use in This Decision: \$8,489,276.

Charge Effective Date: October 1, 1993.

Estimated Charge Expiration Date: June 1, 2002.

Class of Air Carriers Not Required to Collect PFC's: No change from previous decision.

Brief Description of Projects Approved for Use: ARFF access road construction, Rehabilitate airport services (access) roads, Obstruction removal, Freight ramp construction, Construction of taxiway.

Decision Date: January 27, 1997.

For Further Information Contact: Mary Jagiello, Detroit Airports District Office, (313) 487-7296.

Public Agency: County of Dane, Madison, Wisconsin.

Application Number: 97-03-C-00-MSN.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$2,305,000.

Estimated Charge Effective Date: May 1, 2000.

Estimated Charge Expiration Date: December 1, 2001.

Class of Air Carriers Not Required To Collect PFC's: Part 135 air taxis.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Dane County Regional Airport.

Brief Description of Projects Approved for Collection and Use: Construct parallel taxiway 3/21, Land acquisition for runway 3/21, Construct north perimeter road for runway 3/21.

Decision Date: January 28, 1997.

For Further Information Contact: Sandra E. DePottay, Minneapolis Airports District Office, (612) 725-4221.

Public Agency: Regional Airport Authority of Louisville and Jefferson County, Louisville, Kentucky.

Application Number: 97-01-C-00-SDF.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$40,000,000.

Estimated Charge Effective Date: May 1, 1997.

Estimated Charge Expiration Date: May 1, 2007.
Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Louisville International Airport.

Brief Description of Project Approved for Collection and Use: Part 150 approved property acquisitions.

Decision Date: January 29, 1997.

For Further Information Contact: Cager Swauncy, Jr., Memphis Airports District Office, (901) 544-3495.

Public Agency: Norfolk Airport Authority, Norfolk, Virginia.

Application Number: 96-01-C-00-ORF.

Application Type: Impose and use a PFC.

PFC Level: \$3.00.

Total Net PFC Revenue Approved in This Decision: \$51,961,000.

Estimated Charge Effective Date: April 1, 1997.

Estimated Charge Expiration Date: March 1, 2010.

Class of Air Carriers Not Required To Collect PFC's: Air taxi/commercial operators.

Determination: Approved. Based on information submitted in the public agency's application, the FAA has determined that the approved class accounts for less than 1 percent of the total annual enplanements at Norfolk International Airport.

Brief Description of Project Partially Approved for Collection and Use: Arrivals terminal building.

Determination: Partially approved. The FAA has analyzed all pertinent data submitted by the Norfolk Airport Authority and, based on the criteria in Advisory Circular 150/5360-13 (Planning and Design Guidelines for Airport Terminal Facilities), it has determined that only four instead of the five requested baggage claim units and one of the two oversize claim devices requested are eligible. Additionally, areas of the mezzanine and basement levels were determined ineligible. A total of 138,930 square feet has been determined eligible for PFC collection. In addition, the 17,000 square foot enclosed pedestrian bridge with moving sidewalk as well as the associated roadway realignment are eligible.

Decision Date: January 30, 1997.

For Further Information Contact: Robert Mendez, Washington Airports District Office, (703) 285-2570.

AMENDMENTS TO PFC APPROVALS

Amendment No., city, state	Amendment approved date	Amended approved net PFC revenue	Original approved net PFC revenue	Amended estimated charge exp. date	Original estimated charge exp. date
94-02-C-01-MSP, Minneapolis, MN	09/19/96	\$107,376,000	\$113,408,100	03/01/99	05/01/99
93-03-I-03-SPI, Springfield, IL	12/18/96	4,150,941	4,508,030	01/01/10	02/01/06
92-01-C-05-SJC, San Jose, CA	01/15/97	54,361,826	34,361,826	04/01/99	01/01/99
93-01-C-04-RHI, Rhinelander, WI	01/21/97	177,651	183,301	04/01/96	04/01/96
93-01-C-01-BOS, Boston, MA	01/27/97	237,662,000	598,800,000	01/01/11	10/01/11

Issued in Washington, DC, on February 7, 1997.

Joseph M. Hebert,

Acting Manager, Passenger Facility Charge Branch.

[FR Doc. 97-3755 Filed 2-13-97; 8:45 am]

BILLING CODE 4910-13-M

Surface Transportation Board

[STB Finance Docket No. 33342]

Eastern Shore Railroad, Inc.; Lease and Operation Exemption; Norfolk Southern Railway Company

Eastern Shore Railroad, Inc. (ESHR), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to lease and operate two related and contiguous rail line segments,¹ forming one continuous line, owned and operated by Norfolk Southern Railway Company, a Class I rail carrier, between approximately milepost SN-2.1 at North Junction, Norfolk, VA, and approximately milepost SN-6.7 at Diamond Springs, Virginia Beach, VA, (including two switching or connecting

tracks known as the Joint Track at Coleman Place and the Middle Track), a distance of approximately 4.6 miles.

The transaction is expected to be consummated on or after February 6, 1997.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33342, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423. In addition, a copy of each pleading must be served on Larry E. LeMond, Eastern Shore Railroad, Inc., 202 Mason Avenue, P. O. Box 312, Cape Charles, VA 23310.

Decided: February 5, 1997.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams, Secretary.

[FR Doc. 97-3799 Filed 2-13-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Finance Docket No. 33288]

Pickens Railway Company; Purchase Exemption; CSX Transportation, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, pursuant to 49 U.S.C. 10502, exempts from the prior approval requirements of 49 U.S.C. 11323 Pickens Railway Company's (Pickens) purchase from CSX Transportation, Inc. (CSXT), of 9.61 miles of main line and spur trackage, from milepost AKH-555.088 to milepost AKH-561.409 and from milepost AKM-7.245 to milepost AKM-8.072, in Anderson, SC.¹ Pickens will also acquire, through assignment from CSXT, 11.96 miles of CSXT trackage rights over Norfolk Southern Railway Company's line between Belton, SC, and Anderson. The exemption will be subject to standard labor protective conditions.

DATES: This exemption will be effective on March 16, 1997. Petitions to reopen must be filed by March 11, 1997.

¹ The two segments of main line track are connected by the Orr Mill Spur.

¹ The segments are the 3.1-mile North Beach Route and the 1.5-mile Diamond Springs Line.

ADDRESSES: Send pleadings referring to STB Finance Docket No. 33288 to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423; (2) Tom Carter, P.O. Box 549, 120 South Main Street, Cornelia, GA 30531; and (3) Charles M. Rosenberger, 500 Water Street—J150, Jacksonville, FL 32202.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

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

Decided: February 7, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-3797 Filed 2-13-97; 8:45 am]

BILLING CODE 4915-00-P

[STB Docket No. AB-441 (Sub-No. 2X)]

SWKR Operating Co; Abandonment Exemption; in Cochise County, AZ

AGENCY: Surface Transportation Board.

ACTION: Notice of exemption.

SUMMARY: The Board, pursuant to 49 U.S.C. 10502, exempts SWKR Operating Co. from the prior approval requirements of 49 U.S.C. 10903 to abandon the stub-end of its Douglas Branch, subject to historic preservation, trail use, public use, and standard labor protective conditions. The line extends between milepost 1055.8 near Charleston and the end of the line at milepost 1097.3, near Paul Spur, a distance of 41.5 miles, in Cochise County, AZ.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on March 16, 1997. Formal expressions of intent to file financial assistance offers under 49 CFR 1152.27(c)(2)¹ and additional requests for interim trail use/rail banking under 49 CFR 1152.29 must be filed by February 24, 1997. Petitions to stay must be filed by March 3, 1997.

¹ See Exempt. of Rail Abandonment—Offers of Finan. Assist., 4 I.C.C.2d 164 (1987).

Additional requests for a public use condition in conformity with 49 CFR 1152.28(a)(2) must be filed by March 6, 1997. Petitions to reopen must be filed by March 11, 1997.

ADDRESSES: Send pleadings referring to STB Docket No.

AB-441 (Sub-No. 2X) to: (1) Office of the Secretary, Case Control Branch, Surface Transportation Board, 1201 Constitution Avenue, N.W., Washington, DC 20423; and (2) Petitioner's representative: Joseph D. Anthofer, 1416 Dodge Street, Room 830, Omaha, NE 68179-0830.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927-5660. [TDD for the hearing impaired: (202) 927-5721.]

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

Decided: February 7, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-3798 Filed 2-13-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

January 31, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Departmental Office/International Trade Data System Office

OMB Number: 1505-0162.

Form Number: CF-3461, CF-3461

ALT, CF-7501, CF-7512, and CF-7533.

Type of Review: Extension.

Title: North American Trade Automation Prototype Data.

Description: The requested data is from volunteer trading community participants in the prototype test with the United States, Canada, and Mexico to improve the electronic exchange of data in the execution of North American land border commercial trade transactions.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 120.

Estimated Burden Hours Per Respondent: 3 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 1,879 hours.

Clearance Officer: Lois K. Holland, (202) 622-1563, Departmental Offices, Room 2110, 1425 New York Avenue, N.W., Washington, DC 20220.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97-3763 Filed 2-13-97; 8:45 am]

BILLING CODE 4810-25-P

Submission to OMB for Review; Comment Request

January 31, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545-0143.

Form Number: IRS Form 2290.

Type of Review: Revision.

Title: Heavy Vehicle Use Tax Return.

Description: Form 2290 is used to compute and report the tax imposed by section 4481 on the highway use of certain motor vehicles. The information is used to determine whether the taxpayer has paid the correct amount of tax.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 500,625.

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—34 hr., 55 min.
Learning about the law or the form—18 min.

Preparing, copying, and sending the form to the IRS—53 min.

Frequency of Response: Annually.

Estimated Total Reporting/

Recordkeeping Burden: 18,084,763 hours.

OMB Number: 1545–1503.

Revenue Procedure Number: Revenue Procedure 96–53.

Type of Review: Extension.

Title: Section 482—Allocations Between Related Parties.

Description: The information requested in sections 4.02, 5, 8.02, 9, 11.01, 11.02(1), 11.04, 11.07, and 11.08 is required to enable the Internal Revenue Service to give advice on filing Advance Pricing Agreement applications, to process such applications and negotiate agreements, and to verify compliance with agreements and whether agreements require modification.

Respondent: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 160.

Estimated Burden Hours Per Respondent/Recordkeeper: 32 hours, 49 minutes.

Frequency of Response: On occasion, annually.

Estimated Total Reporting/Recordkeeping Burden: 5,250 hours.

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–3764 Filed 2–13–97; 8:45 am]

BILLING CODE 4830–01–P

Submission for OMB Review; Comment Request

February 7, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be

addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Financial Management Service (FMS)

OMB Number: 1510–0008.

Form Number: None

Type of Review: Extension.

Title: Pools and Associations—Annual Letter.

Description: The information is collected for the determination of an acceptable percentage for each pool and association to allow Treasury certified companies credit on their Schedule F for authorized ceded reinsurance in determining the companies' underwriting limitations.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 100.

Estimated Burden Hours Per

Response: 1 hour, 30 minutes.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 150 hours.

OMB Number: 1510–0013.

Form Number: FMS Form 2208.

Type of Review: Extension.

Title: State Where Licensed for Surety.

Description: Information is collected from insurance companies in order to provide Federal bond approving officers with this information. The listing of states, by company, appears in Treasury's Circular 570, "Surety Companies Acceptable on Federal Bonds".

Respondents: Business or other for-profit.

Estimated Number of Respondents: 318.

Estimated Burden Hours Per

Response: 1 hour.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 318 hours.

Clearance Officer: Jacqueline R. Perry, (301) 344–8577, Financial Management Service, 3361–L 75th Avenue, Landover, MD 20785.

OMB Reviewer: Alexander T. Hunt, (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97–3765 Filed 2–13–97; 8:45 am]

BILLING CODE 4810–35–P

Submission for OMB Review; Comment Request

February 7, 1997.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms (BATF)

OMB Number: 1512–0052.

Form Number: ATF F 5130.9.

Type of Review: Extension.

Title: Brewer's Report of Operations.

Description: ATF F 5130.9 is a periodic report filed by brewers to account for taxable commodities. For this reason, ATF F 5130.9 is a method to protect tax revenue. The data collected on the form is also summarized by ATF in a statistical release.

Respondents: Business or other for-profit.

Estimated Number of Respondents: 879.

Estimated Burden Hours Per

Respondent: 1 hour.

Frequency of Response: Quarterly, Monthly.

Estimated Total Reporting Burden: 4,236 hours.

OMB Number: 1512–0129.

Form Number: ATF F 4473 (5300.9), Part I.

Type of Review: Extension.

Title: Firearms Transaction Record, Part I, Over the Counter.

Description: ATF F 4473, Part I is used to determine the eligibility (under the Gun Control Act) of a person to receive a firearm from a Federal Firearms licensee. It is also used to establish the identify of the buyer. The form is used in law enforcement in investigations/inspections to trace firearms or to confirm criminal activity of persons violating the GCA.

Respondents: Individuals or households, business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 8,000,000.

Estimated Burden Hours Per

Respondent/Recordkeeper: 10 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 1,316,750 hours.

OMB Number: 1512-0130.
Form Number: ATF F 4473 (5300.9), Part II.
Type of Review: Extension.
Title: Firearms Transaction Record, Part II.
Description: ATF F 4473 (5300.9), Part II is used to determine the eligibility (under the Gun Control Act) of a person to receive a firearm from a Federal Firearms licensee. It is also used to establish the identify of the buyer. The form is used in law enforcement in investigations/inspections to trace firearms or to conform criminal activity of persons violating the GCA.
Respondents: Business or other for-profit.
Estimated Number of Recordkeepers: 20,900.
Estimated Burden Hours Per Recordkeeper: 34 minutes.
Frequency of Response: On occasion.
Estimated Total Recordkeeping Burden: 11,843 hours.
OMB Number: 1512-0504.
Form Number: ATF F 5000.28.
Type of Review: Extension.
Title: Floor Stocks Tax Return, Recordkeeping and Reporting Requirements.
Description: ATF F 5000.28 is completed by persons who held alcohol, tobacco or imported perfume for sale on

1/1/91. This information requirement was imposed by Public Law 101-508.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 50.
Estimated Burden Hours Per Respondent/Recordkeeper: 5 hours.
Frequency of Response: Other (one time).
Estimated Total Reporting/Recordkeeping Burden: 250 hours.
Clearance Officer: Robert N. Hogarth, (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.
OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.
 Lois K. Holland,
Departmental Reports Management Officer.
 [FR Doc. 97-3766 Filed 2-13-97; 8:45 am]
BILLING CODE 4810-31-P

Submission to OMB for Review; Comment Request

February 7, 1997.
 The Department of Treasury has submitted the following public information collection requirement(s) to

OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.
 Internal Revenue Service (IRS)
OMB Number: 1545-0122.
Form Number: IRS Form 1118, Schedule I and Schedule J.
Type of Review: Extension.
Title: Foreign Tax Credit—Corporations.
Description: Form 1118 and separate Schedules I and J are used by domestic and foreign corporations to claim a credit against tax for taxes paid to foreign countries. The IRS uses Form 1118 and related schedules to determine if the corporation has computed the foreign tax credit correctly.
Respondents: Business or other for-profit.
Estimated Number of Respondents/Recordkeepers: 10,000.
Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 1118	Schedule I	Schedule J
Recordkeeping	71 hr., 45 min.	8 hr., 51 min.	89 hr., 12 min.
Learning about the law or the form	18 hr., 25 min.	1 hr., 0 min.	1 hr., 5 min.
Preparing, copying, and sending the form to the IRS	22 hr., 48 min.	1 hr., 11 min.	2 hr., 35 min.

Frequency of Response: Annually.
Estimated Total Reporting/Recordkeeping Burden: 3,403,363 hours.
OMB Number: 1545-1499.
Revenue Procedure Number: Revenue Procedure 96-52.
Type of Review: Extension.
Title: Acceptance Agents.
Description: Revenue Procedure 96-52 describes application procedures for becoming an acceptance agent and the requisite agreement that an agent must execute with IRS.
Respondent: Business or other for-profit, individuals or households, not-for-profit institutions, Federal Government, State, Local or Tribal Government.
Estimated Number of Respondents: 12,825.
Estimated Burden Hours Per Respondent: 3 hours, 12 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 41,006 hours.
Clearance Officer: Garrick Shear (202) 622-3869. Internal Revenue Service,

Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.
OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.
 Lois K. Holland,
Departmental Reports Management Officer.
 [FR Doc. 97-3767 Filed 2-13-97; 8:45 am]
BILLING CODE 4830-01-P

Submission to OMB for Review; Comment Request

January 30, 1997.
 The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this

information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.
 Internal Revenue Service (IRS)
OMB Number: 1545-0973.
Form Number: IRS Form 8569.
Type of Review: Extension.
Title: Availability Statement.
Description: The data collected from this form is used by the executive panels responsible for screening internal and external applicants for the SES Candidate Development Program, and other executive positions.
Respondents: Individuals or households, Federal Government.
Estimated Number of Respondents: 500.
Estimated Burden Hours Per Respondent: 10 minutes.
Frequency of Response: Annually.
Estimated Total Reporting Burden: 84 hours.

OMB Number: 1545-1368.

Form Number: IRS Form 9513.

Type of Review: Extension.

Title: Self Assessment—SES

Candidate Development Program.

Description: The data collected from this form is used by the executive panels responsible for screening internal and external applicants for the SES Candidate Development Program.

Respondent: Individuals or households, Federal Government.

Estimated Number of Respondents: 300.

Estimated Burden Hours Per

Respondent: 4 hours.

Frequency of Response: Annually.

Estimated Total Reporting Burden: 1,200 hours.

OMB Number: 1545-1428.

Form Number: IRS Form 8023-A.

Type of Review: Extension.

Title: Corporate Qualified Stock Purchases.

Description: Form 8023-A is used by corporations that acquire the stock of another corporation to elect to treat the purchase of stock as a purchase of the other corporation's assets. The IRS uses Form 8023-A to determine if the purchasing corporation reports the sale of its assets on its income tax return and to determine if the purchasing corporation has properly made the election.

Respondents: Business or other for-profit.

Estimated Number of Respondents/Recordkeepers: 201.

Estimated Burden Hours Per

Respondent/Recordkeeper:

Recordkeeping—9 hr., 34 min.

Learning about the law or the form—1 hr., 35 min.

Preparing and sending the form to the IRS—1 hr., 49 min.

Frequency of Response: On occasion.

Estimated Total Reporting/Recordkeeping Burden: 2,609 hours.

OMB Number: 1545-1504.

Form Number: IRS Form 911.

Type of Review: Extension.

Title: Application for Taxpayer Assistance Order (TAO) (Taxpayer's Application for Relief from Hardship).

Description: This form is used by taxpayers to apply for relief from a significant hardship which may have already occurred or is about to occur if the IRS takes or fails to take certain actions. This form is submitted to the IRS Problem Resolution Office in the district where the taxpayer lives.

Respondents: Individuals or households, business or other for-profit, not-for-profit institutions, Farms, State, Local or Tribal Government.

Estimated Number of Respondents: 33,000.

Estimated Burden Hours Per

Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 16,500 hours.

Clearance Officer: Garrick Shear (202) 622-3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW, Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 97-3768 Filed 2-13-97; 8:45 am]

BILLING CODE 4830-01-P

Submission for OMB Review; Comment Request

February 5, 1997.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

U.S. Customs Service (CUS)

OMB Number: 1515-0204.

Form Number: None.

Type of Review: Extension.

Title: North American Free Trade Agreement (NAFTA) Certificate of Origin.

Description: The objectives of NAFTA are to eliminate barriers to trade in goods and services between the United States, Mexico, and Canada; facilitate conditions of fair competition within the free trade area; liberalize significantly conditions for investments within the free trade area; establish effective procedures for the joint administration of the NAFTA; and the resolution of disputes.

Respondents: Business or other for-profit, individuals or households, not-for-profit institutions, Federal Government.

Estimated Number of Respondents: 5,000.

Estimated Burden Hours Per

Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 7,760 hours.

Clearance Officer: J. Edgar Nichols (202) 927-1426, U.S. Customs Service, Printing and Records Management Branch, Room 6216, 1301 Constitution Avenue, N.W., Washington, DC 20229.

OMB Reviewer: Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 97-3788 Filed 2-13-97; 8:45 am]

BILLING CODE 4820-02-M

Office of Foreign Assets Control

Information Collection; Comment Request

ACTION: Federal Register pre-clearance notice.

SUMMARY: The Department of the Treasury, 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 continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). currently, the Treasury Department's Office of Foreign Assets Control is soliciting comments concerning the information collection provisions of the Terrorism List Governments Sanctions Regulations, 31 C.F.R. Part 596 (the "Regulations"), 31 C.F.R. 596.601, 596.602, 596.603 and 596.801.

DATES: Written comments should be received on or before April 15, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Dorene F. Erhard, Sr. Sanctions Advisor, Office of Foreign Assets Control, U.S. Department of the Treasury, 1500 Pennsylvania Avenue, NW, Washington, DC 20220, (tel.: 202-622-2500). Internet Address: Dorene.Erhard@treas.sprint.com.

FOR FURTHER INFORMATION CONTACT: Steven I. Pinter, Chief, Licensing Division (tel.: 202-622-2480); Dennis P. Wood, Chief, Compliance Programs Division (tel.: 202-622-2490); or William B. Hoffman, Chief Counsel (tel.: 202-622-2410); Office of Foreign Assets Control, U.S. Department of the Treasury, Washington, DC 20220.

SUPPLEMENTARY INFORMATION:

Title: Terrorism List Government Sanctions Regulations.

OMB Number: 1505-0161.

Abstract: Sections 596.601, 596.602, 596.603 and 596.801 impose

information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Section 596.601 requires persons engaging in transactions subject to the Regulations to retain full and accurate records of such transactions for at least two years. Section 596.602 authorizes OFAC to require persons entering into transactions subject to the Regulations to report on such transactions as requested. Section 596.603d requires financial institutions to report to OFAC any time they reject an incoming transaction that is subject to the Regulations. Section 575.801 provides for the issuance of general licenses for certain transactions which are subject to the prohibitions of the Regulations, and provides for the issuance of specific licenses in unique or limited situations.

Current Actions: Extension.

Type of Review: Extension.

Affected Public: Businesses and other for-profit institutions/banking institutions/individuals.

Estimated Number of Respondents: 100 respondents.

Estimated Time of Respondent: 1 hour to process.

Estimated Annual Burden Hours: 100 hours.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the agency's functions, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 3, 1997.

William B. Hoffman,

Chief Counsel, Office of Foreign Assets Control, U.S. Department of the Treasury.
[FR Doc. 97-3762 Filed 2-13-97; 8:45 am]

BILLING CODE 4810-25-M

Internal Revenue Service

Proposed Collection; Comment Request for Form 5472

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Form 5472, Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

DATES: Written comments should be received on or before April 15, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information Return of a 25% Foreign-Owned U.S. Corporation or a Foreign Corporation Engaged in a U.S. Trade or Business.

OMB Number: 1545-0805.

Form Number: 5472.

Abstract: Form 5472 is used to report information about transactions between a U.S. corporation that is 25% foreign owned or a foreign corporation that is engaged in a U.S. trade or business and related foreign parties. The IRS uses Form 5472 to determine if inventory or other costs deducted by the U.S. or foreign corporation are correct.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 75,000.

Estimated Time Per Respondent: 20 hr., 57 min.

Estimated Total Annual Burden Hours: 1,571,250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97-3813 Filed 2-13-97; 8:45 am]

BILLING CODE 4830-01-U

Proposed Collection; Comment Request for Form 56

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Form 56, Notice Concerning Fiduciary Relationship.

DATES: Written comments should be received on or before April 15, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice Concerning Fiduciary Relationship.

OMB Number: 1545-0013.

Form Number: 56.

Abstract: Form 56 is used to inform the IRS that a person is acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the person for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time Per Respondent: 11 hr., 43 min.

Estimated Total Annual Burden Hours: 292,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97-3814 Filed 2-13-97; 8:45 am]

BILLING CODE 4830-01-U

Proposed Collection; Comment Request for Form 6765

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Form 6765, Credit for Increasing Research Activities.

DATES: Written comments should be received on or before April 15, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Credit for Increasing Research Activities.

OMB Number: 1545-0619.

Form Number: 6765.

Abstract: IRC section 38 allows a credit against income tax (Determined under IRC section 41) for an increase in research activities in a trade or business.

Form 6765 is used by businesses and individuals engaged in a trade or business to figure and report the credit. The data is used to verify that the credit claimed is correct.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 13,000.

Estimated Time Per Respondent: 18 hr., 37 min.

Estimated Total Annual Burden Hours: 241,930.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 1997.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 97-3815 Filed 2-13-97; 8:45 am]

BILLING CODE 4830-01-U

Privacy Act of 1974, as amended; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of Proposed Amendment to a Privacy Act System of Records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, 5 U.S.C. 552a, the Treasury Department, Internal Revenue Service (Service), gives notice of a proposed amendment to the system of records entitled "Assault and Threat Investigation Files—Treasury/IRS 60.001." This system notice was last published in its entirety in the Federal Register, Vol. 60, No. 217, page 56834, November 9, 1995.

DATES: Comments must be received no later than March 17, 1997. The alteration to the system of records will be effective March 26, 1997, unless comments are received which result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Mr. Brian C. Dwyer, Office of the Chief Inspector, 1401 Wilson Boulevard, Suite 800, Arlington, VA 22209, Telephone: (703) 235-0625. This is not a toll—free number.

SUPPLEMENTARY INFORMATION:

The Potentially Dangerous Taxpayer (PDT) program was established in 1984 as a tool to identify individuals and groups espousing violence against the Service employees engaged in the performance of their official duties. The purpose of this amendment is to clarify certain existing criteria and add additional criteria by which taxpayers are designated as potentially dangerous.

This system of records includes individuals who attempt to interfere with the administration of internal revenue laws through assaults, threats, or forcible interference of any officer or employee while discharging the official duties of his/her position. Among such individuals are those designated as potentially dangerous, based on verifiable evidence or information which falls within any of the revised five criteria.

The Service is authorized to investigate attempts to interfere with the administration of internal revenue laws through assaults, threats, or forcible interference. The Service is permitted to collect and maintain information that concerns individuals involved in efforts to disrupt tax administration, by various means, including actual as well as potential assaults and threats directed against Service employees.

The addition of new criteria by which taxpayers are designated as potentially dangerous can be expected to increase the number of individuals who are covered by this system of records. The new criteria will permit designation as potentially dangerous for those individuals who attempt to interfere with the administration of the internal revenue laws by threatening, assaulting, or intimidating members of Service employees' immediate families, and those individuals who are active members of groups that advocate violence against Federal employees where advocating such violence could reasonably be understood to threaten the safety of Service employees and impede the performance of their official duties. The system of record notice is also revised to add a reference to the Manager's Security Handbook, IRM 1(16)12, with respect to the safeguard requirements for paper storage of records.

Because the changes can be expected to increase the number of individuals covered by the PDT program and therefore the number of individuals included within this system, a report has been submitted to Congress and the Office of Management and Budget (OMB), pursuant to OMB Circular A-130.

The system of records identified as Assault and Threat Investigation Files—Treasury/IRS 60.001, as set forth in the Federal Register, 60 FR 56834 dated November 9, 1995, is amended as follows:

Treasury/IRS—60.001

SYSTEM NAME:

Assault and Threat Investigation Files—Treasury/IRS.

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals attempting to interfere with the administration of internal revenue laws through assaults, threats, or forcible interference of any officer or employee while discharging the official duties of his/her position, including individuals designated as potentially dangerous taxpayers (PDTs), based on verifiable evidence or information that fit any of the following five criteria: (1)

Individuals who assault employees or members of their immediate families; (2) Individuals who attempt to intimidate or threaten employees or members of their immediate families through specific threats of bodily harm, a show of weapons, the use of animals, or through other specific threatening or intimidating behavior; (3) Individuals who are active members of groups that advocate violence against Internal Revenue Service employees specifically, or against Federal employees generally where advocating such violence could reasonably be understood to threaten the safety of Service employees and impede the performance of their official duties; (4) Individuals who have committed the acts set forth in any of the above criteria, but whose acts have been directed against employees of other governmental agencies at Federal, state, county, or local levels; and (5) Individuals who are not designated as potentially dangerous taxpayers through application of the above criteria, but who have demonstrated a clear propensity toward violence through act (s) of violent behavior within the five—year period immediately preceding the time of designation as potentially dangerous.

* * * * *

SAFEGUARDS:

Access controls will not be less than those provided by the Manager's Security Handbook, IRM 1(16)12. The records are accessible to Inspection personnel on a need—to—know basis, all of whom have been the subject of a background investigation. Disclosure of information through remote terminals is restricted through the use of passwords and sign—on protocols which are periodically changed; these terminals are accessible only to authorized persons.

* * * * *

Dated: February 3, 1997.
Alex Rodriguez,
Deputy Assistant Secretary (Administration).
[FR Doc. 97-3689 Filed 2-13-97; 8:45 am]
BILLING CODE: 4810-30-F

Federal Register

Friday
February 14, 1997

Part II

Department of Labor

Wage and Hour Division

**29 CFR Parts 520, et. al.
Employment of Student-Learners,
Apprentices, Learners, Messengers, and
Student Workers; Proposed Rule**

DEPARTMENT OF LABOR**Wage and Hour Division****29 CFR Parts 520, 521, 522, 523 and 527**

RIN 1215-AB10

Employment of Student-Learners, Employment of Apprentices, Employment of Learners, Employment of Messengers, and Employment of Student Workers

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Proposed rulemaking and request for comments.

SUMMARY: The Department of Labor proposes to remove the regulation found at 29 CFR Part 527 and consolidate the regulations found at 29 CFR Parts 520, 521, 522, and 523, into a single Part 520. These rules were promulgated under section 14(a) of the Fair Labor Standards Act (FLSA), and provide for employment under special certificates of categories of workers who may be paid less than the statutory minimum wage to prevent the curtailment of employment opportunities. These workers include apprentices, messengers and learners, including student-learners and student-workers. Employers must apply for special certificates issued by the Wage and Hour Division of the U. S. Department of Labor which state the terms and conditions of employment at subminimum wages. Many of the provisions of these individual regulations are duplicative and can be merged into one comprehensive document. The language and context of the rules have been simplified, shortened and formatted to make them easier to use while the essential requirements of the regulations have been maintained. The substantive criteria used to determine an employer's eligibility to receive a certificate under these programs remains generally unchanged.

DATES: Comments on the proposed rule are due April 15, 1997.

ADDRESSES: Submit written comments to Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, D.C. 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped postcard or to submit them by certified mail, return receipt requested. As a convenience to

commenters, comments may be transmitted by facsimile ("FAX") machine to (202) 219-5122. This is not a toll free number. If transmitted by FAX and a hard copy is also submitted by mail, please indicate on the hard copy that it is a duplicate copy of the FAX transmission.

FOR FURTHER INFORMATION CONTACT: Arthur M. Kerschner, Jr., Office of Enforcement Policy, Child Labor and Special Employment Team, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone (202) 219-7640. This is not a toll free number. Copies of the Notice of Proposed Rulemaking (NPRM) in alternative formats may be obtained by calling (202) 219-7605, (202) 219-4634 (TDD). The alternative formats available are large print, electronic file on computer disk and audio-tape.

SUPPLEMENTARY INFORMATION:**I. Paperwork Reduction Act**

This rule contains reporting or recordkeeping requirements subject to the Paperwork Reduction Act of 1980 (Pub. L. 96-511), which were previously approved by the Office of Management and Budget (OMB) under Regulations, 29 CFR Parts 516 and 522, and assigned OMB control numbers 1215-0017 and 1215-0012, respectively.

The recordkeeping requirements contained in these regulations have been submitted to and approved by OMB under control number 1215-0017 through May 31, 1998. The recordkeeping requirements contained in Regulations, 29 CFR Parts 520, 521, and 522 and 527 were submitted to, reviewed and approved by OMB in conjunction with the basic recordkeeping requirements contained in Regulations, 29 CFR Part 516, Records to be Kept by Employers under the Fair Labor Standards Act (FLSA).

The reporting requirements contained in Regulations, 29 CFR Parts 520 (OMB No. 1215-005), and 522 (OMB No. 1215-0012) have been approved by OMB. However, in this proposed rulemaking the Department of Labor intends to consolidate current 29 CFR Parts 520, 521, and 522 into a revised 29 CFR Part 520 and eliminate 29 CFR Part 527. Further, the Department is proposing to amend the current Application for a Certificate to Employ Learners at Subminimum Wages (Form WH-209) so the form may also be used to apply for a certificate to employ messengers at subminimum wages. In addition, the Department is proposing to reduce the amount of information

requested on the form which will lessen the reporting burden on the public.

No application form is required to be completed by an employer to employ apprentices at subminimum wages, however, employers are required to submit a copy of the apprenticeship agreement, along with evidence of registration. Information collection requirements for approval and registration of apprenticeship agreements are contained in Regulations, 29 CFR Part 29, Labor Standards for the Registration of Apprenticeship Programs and have been approved by OMB under control number 1205-0023.

The reporting requirements contained in these proposed regulations have been submitted for review to OMB pursuant to section 3507(d) of the Paperwork Reduction Act of 1995.

A. Title: Application for a Certificate to Employ Learners/Messengers at Subminimum Wages, Form WH-209

Summary: These regulations eliminate Regulations, 29 CFR Part 522 and incorporate the procedures to obtain a certificate to employ learners/messengers at subminimum wages into a revised Part 520.

Need: Section 14(a) of the FLSA provides, in part, that the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment of learners and messengers at subminimum wage rates. This section also authorizes the Secretary to set limitations on such employment as to time, number, proportion and length of service.

Form WH-209 is an application for a certificate authorizing an employer to employ learners and/or messengers at subminimum wage rates for a period up to one year. The requirements for application and issuance of a learner and/or messenger certificate are set forth in subpart D of these proposed Regulations, 29 CFR Part 520.

Form WH-209, Application for a Certificate to Employ Learners and/or Messengers at Subminimum Wages, is completed by an employer (in the case of messengers, such application may be filed by an employer or group of employers), in order to obtain a certificate authorizing the payment of learners and/or messengers at a wage rate less than the Federal minimum wage. Section 14(a) of FLSA requires that a certificate be issued before subminimum wages can be paid to learners or messengers.

Respondents and proposed frequency of response: Learners historically was one of the largest subminimum wage programs with over 2,200 certificates issued in the 1960s. However, since wage rates have risen in many industries where certificates were previously issued and an adequate supply of experienced workers exists in these industries, the use of learner certificates has declined drastically over the last twenty years. No requests to employ learners at subminimum wages have been received since 1995.

The Wage and Hour Division narrowly defined what type of firm is eligible to acquire special certificates for messengers. No applications for messengers have been received since 1949.

Estimated total annual burden: It is estimated that it takes approximately 20 minutes to complete a learner/messenger application. Since there is no current activity in this program, there is no annual burden and no respondent costs.

B. Title: Application to Employ Student-Learners at Subminimum Wages, Form WH-205

Summary: Section 14(a) of the FLSA provides, in part, that the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment of learners at subminimum wage rates. This section also authorizes the Secretary to set limitations on such employment as to time, number, proportion and length of service.

Form WH-205 is used by the employer to obtain certification to employ student-learners at wages lower than the Federal minimum wage to prevent curtailment of opportunities for employment. Upon joint application by the employer, the appropriate school official, and the student-learner, the application will provide temporary authority to employ the named student-learner at a subminimum wage provided the school official certifies that the named student will be receiving instruction in an accredited school and will be employed pursuant to a bona fide vocational training program. At the end of 30 days, this authority is extended to become the approved certificate unless the Administrator or his/her authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the period of review. The employer must provide a statement outlining the vocational program and showing, particularly, the processes in which the student-learner will be engaged when in training on the job; a

statement outlining the school instruction directly related to the job; the age of the student-learner; and the period of employment at subminimum wages. The requirements concerning the issuance of certificates for student-learners are contained in proposed Regulations, 29 CFR 520, Subpart E.

Respondents and proposed frequency of response: It is estimated that 800 respondents will each use the WH-205 once annually. It is estimated that 30 minutes is required for the respondent to complete the form. This results in 400 annual reporting burden hours (800 forms X 30 minutes).

All employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling or otherwise working on goods or materials that have been moved in or produced for such commerce by any person are covered by the Fair Labor Standards Act (FLSA). In addition, employees of firms which are not covered enterprises under FLSA may still be subject to FLSA if they are individually engaged in interstate commerce or in the production of goods for interstate commerce. Accordingly, the FLSA covers a wide range of different sizes and types of employers, from a small retail store, to a farm, to a large multi-unit manufacturing enterprise with locations in several states. Any one of these employers, or a designated employee, may choose to complete the application forms described in this submission. Without the availability of specific data on those employers who complete these forms, the 1995 average hourly rate for production or nonsupervisory workers on nonfarm payrolls of \$11.46 is being utilized to determine respondent costs (Monthly Labor Review, U.S. Department of Labor, Bureau of Labor Statistics, April, 1996). Annual respondent costs are estimated as \$4,854 ($\11.46×400 hours). Estimated mailing costs for 800 applications are \$280 ($800 \times \0.32 postage + $800 \times \$0.03$ envelope).

C. Title: Application to Employ Apprentices at Subminimum Wages

Summary: Section 14(a) of the FLSA provides, in part, in order to prevent curtailment of employment opportunities, for the payment of special minimum wage rates to workers employed as apprentices under special certificates issued by the Department of Labor.

Need: There is no application form to be completed by employers to obtain authority from the Department to employ apprentices at subminimum wages. The employer or apprenticeship committee must submit a copy of the

registered apprenticeship program or agreement for such apprentices to the appropriate Regional Office of the Wage and Hour Division of the Department of Labor. A registered apprenticeship program or agreement is one that has been approved by a recognized apprenticeship agency as meeting the basic standards adopted by the Department of Labor's Bureau of Apprenticeship and Training (BAT), upon the recommendation of the Federal Committee on Apprenticeship. A registered apprenticeship program constitutes a temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied, *provided* that within 90 days from the beginning date of the employment of such apprentices, the employer or the apprenticeship committee sends a copy of each apprenticeship agreement, with evidence of registration to the appropriate Regional Office of the Wage and Hour Division. The requirements concerning the issuance of certificates for apprentices are contained in proposed Regulations, 29 CFR 520, Subpart D.

Respondents and proposed frequency of response: Regulations issued by the BAT no longer permit the payment of subminimum wages to apprentices in an approved program (29 CFR 29.5(b)(5)). Thus, no apprentice certificates have been issued since 1987.

Estimated total annual burden: We estimate the submission of a copy of an approved apprenticeship program to take approximately one minute. However, since no apprenticeship programs are approved by BAT which employ apprentices at subminimum rates there is no annual burden and no respondent costs.

The public is invited to provide comments on these information collection requirements so that the Department of Labor may:

- (1) evaluate whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) evaluate the accuracy of the agency's estimates of the burdens of the collections 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 collections 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.

Written comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Employment Standards Administration, U.S. Department of Labor, Washington, DC 20503.

II. Background

Section 14(a) of the FLSA provides for employment under special certificates of categories of workers who may be paid less than the statutory minimum wage to prevent the curtailment of employment opportunities. These workers include messengers, learners (including student-learners and student-workers), and apprentices.

Separate regulations were established for each of these subminimum wage categories with many provisions common to all the separate rules. These rules were also issued before the enactment of the Administrative Procedure Act and other laws and regulations that impact the content of regulations. The regulations at 29 CFR Parts 520, 521, 522, 523, and 527 were promulgated pursuant to FLSA and establish a certificate system for employment of these classes of workers at subminimum wages. Employers must apply for special certificates issued by the Wage and Hour Division of the U.S. Department of Labor, which state the terms and conditions of employment at subminimum wages.

Under Part 522, learners may be employed at less than the applicable minimum wage in certain skilled occupations. Certificates specify the number and proportion of learners authorized on any date, the subminimum wage rates permitted during the learning period, and length of the learning period in each occupation (ranging by occupation from 160 to 960 hours, and normally limited to not more than one year; new or expanding plants not more than six months). Certificates are conditioned upon there being an inadequate supply of qualified, experienced workers and the applicant making reasonable efforts to recruit experienced workers. The use of learners must not create unfair competitive labor cost advantages nor depress wages or working standards for experienced workers in comparable work. Employers submit separate applications for each establishment and must demonstrate that efforts to hire

experienced workers have been ineffective.

Under Part 520, student-learners are pupils at least sixteen years old (eighteen if employed in certain hazardous occupations) who are enrolled in an accredited school, college or university and who are employed part-time under a bona fide vocational training program approved by a State board of vocational education. Certified student-learners must be paid at least 75 percent of the applicable minimum wage, with limits on the number of hours of employment training each week at subminimum wages.

Employment of a student-learner must not have the effect of displacing an employee of the establishment, nor depress wages or working standards for experienced workers in comparable work, nor impair the development or continuation of apprenticeship standards in the occupation or industries. Separate applications must be submitted for each student-learner, describing the vocational training program in detail and demonstrating how it relates to the jobs to be performed by the student-learner.

Under Part 527, student-workers are pupils enrolled in an educational institution who are at least 16 years old (18 if employed in certain hazardous occupations) and who are employed on a part-time basis in shops owned by the educational institution for the purpose of enabling the students to defray part of their school expenses. Student-workers employed under a special certificate must be paid no less than 75 percent of the applicable minimum wage. Certificates specify the number of students authorized on any day, the rates permitted during the training period, and length of the training period for each occupation (not to exceed one school year). Certificates are submitted by each educational institution seeking to employ student-workers.

Under Part 521, apprentices at least sixteen years old (eighteen if employed in certain hazardous occupations) may be employed at less than the applicable minimum wage in skilled trades under registered apprenticeship programs. Apprentices must receive a progressively increasing schedule of wages which average at least 50 percent of the journeyman level rate over the period of apprenticeship (one year or more [2,000 or more hours] of work experience). The Department of Labor's Bureau of Apprenticeship and Training (BAT) establishes criteria and registration procedures for both individual apprentices and employer apprenticeship plans.

Under Part 523, messengers employed primarily to deliver letters and messages may be paid subminimum wages to prevent curtailment of employment opportunities. Applications may be filed by an employer or an employee or group of employers or employees.

The use of these certificates was prevalent when the wages paid in many industries were equal to or very near the minimum wage. As the prevailing wage rates increased to levels well above the statutory minimum wage, fewer employees were willing to work at subminimum wage rates. Over the last twenty-five years, very few employers have applied for special certificates, except in the student-learner program.

The learner program, which includes learners, student-learners, and student-workers, historically was one of the largest subminimum wage programs. As wage rates rose in many industries employing learners and an adequate supply of experienced workers was available, the use of learner certificates declined. At its peak in 1962, over 2,200 certificates covering more than 46,000 learners were issued. The use of student-learner certificates rose to over 17,000 in 1975, but has fallen in recent years. Currently less than 800 student-learner certificates are issued each year. Because of the narrow focus of the student-worker program, the most certificates ever issued was 33 (covering 1,320 workers) in 1961.

About 900 apprentice certificates were issued in 1967, mostly in the Caribbean area (838). Regulations issued by the BAT no longer permit the payment of subminimum wages to apprentices. The Wage and Hour Division, therefore, has not issued any special certificates for apprentices since 1987.

On March 29, 1976, the Secretary of Labor presented a report to Congress in response to the directive of section 4(d)(2) of FLSA to conduct studies on the justification or lack thereof of each special exemption issued under section 14 of the Act. The Secretary reported that section 14(d), added by the 1974 FLSA Amendments, which made provision for a minimum wage and overtime exemption without requiring a special certificate for elementary or secondary school students employed by their schools, may have the impact of eliminating the need for the student-worker program. The Secretary recommended, however, that section 14(a) continue to make provisions for special employment of student-workers until the impact of section 14(d) could be evaluated.

No regulations regarding the provisions of section 14(d) were

promulgated. In the absence of regulations, the Department decided to take no action with respect to public or private elementary or secondary school students employed by their schools in various school-related work programs if their employment complied with the FLSA child labor provisions. Since enactment of section 14(d), no student-worker certificates have been issued.

In his report of March 29, 1976, the Secretary of Labor also recommended that the provisions authorizing subminimum wages for messengers be deleted from the FLSA. He also determined that the special provisions for learners could no longer be justified and should be limited to student-workers and student-learners. The report also recommended that the provisions for apprentices be retained until the impact of proposed BAT regulations could be evaluated. No action was taken on these recommendations and the section 14 requirements remain in the FLSA; thus there is a continuing need for these rules.

III. Summary and Discussion

This rule proposes to remove the regulation at 29 CFR Part 527, Employment of Student-Workers, and reserve the part. Section 14(d) of the FLSA makes provision for a minimum wage and overtime exemption for elementary or secondary school students employed by their schools where such employment is an integral part of the regular education program. In the absence of regulations regarding section 14(d), the Department has taken no action with respect to public or private elementary or secondary school students employed by their school in various school-related work programs if employed in compliance with the FLSA child labor provisions. Since section 14(d) of the FLSA was enacted in 1974, no applications for student-worker certificates have been submitted by any type of school, elementary, secondary or any other. The existing rule is unnecessary.

This rule proposes to merge the regulations at 29 CFR Parts 520, 521, 522, and 523 into one new Part 520 and to reserve the remaining sections. This proposal eliminates repetition of text contained in each separate regulation. Those sections overtaken by requirements of the Administrative Procedure Act were also deleted. The essential requirements contained in the current regulations are maintained in this revision. The language and context of these regulations have been simplified, shortened, and formatted to make them easier to understand.

As discussed above, the use of special certificates to employ messengers, learners, and apprentices at subminimum wages has declined considerably. It is appropriate to replace extended pages of obsolete regulations by consolidating these rules. This proposal, where possible, supplants the current language containing specific requirements with more general criteria common to all of the programs. Since long-standing regulatory requirements are being removed, a comment period is being provided. The Department does not expect to increase the number of certificates issued under these proposals because the economic conditions stated above are unchanged.

The specific criteria currently contained in 29 CFR Parts 520, 521, 522, and 523 will be replaced by the requirements of 29 CFR Part 520, subparts D and E. Applicants will be required to demonstrate that the criteria for issuance of special certificates have been met. Those situations where special certificates will not be issued have been clarified.

The proposed rule eliminates the previous industry specific learning periods for learners and replaces them with a standardized period of 240 hours absent extraordinary circumstances relating to a particular occupation warranting a longer learning period. It also removes the different learner program standards for new plants and established plants. The Department welcomes comments from the public regarding the establishment of a standardized learning period and whether 240 hours is an appropriate length.

The requirement to publish in the Federal Register a list of learner certificates issued has been removed as they are so few in number in recent years and no purpose is served by the publication of such a list. Interested parties may contact the agency for this information. This proposal removes any requirement that a hearing be held when an interested party objects to a certificate being issued or denied and replaces it with an informal reconsideration procedure that is more responsive to such parties. The period for requesting reconsideration and review has been extended to 60 days to accommodate those programs that previously required publishing a list of certificates issued in the Federal Register. The proposed rule also removes a section which allowed nonregistered apprenticeship agreements to be submitted for consideration when applying for a special certificate. Only properly

registered apprenticeship agreements will be accepted in the future.

The proposed rule permanently fixes, as the basis for establishing the special minimum wages that may be paid to messengers and learners (including student-learners) under section 14(a), the minimum wage applicable under section 6(a). This precludes combining the use of the youth opportunity wage established under section 6(g) with the special minimum wages authorized by section 14(a). It has been determined that the minimum wage applicable under section 6(a), which is greater than the youth opportunity wage, is both a necessary and a sufficient basis to establish special minimum wages which prevent the curtailment of employment opportunities as required by section 14(a).

The proposed rule also permanently sets the subminimum wage rate that may be paid messengers and learners at 95 percent of the minimum wage required by section 6(a) of the FLSA. This reflects the historical difference between the minimum wage and the authorized subminimum wage rate for learners, but it has always been stated in these sections as a dollar amount (i.e. \$4.10 per hour, \$3.65 per hour). By setting the authorized subminimum wage at a fixed percentage of the applicable minimum wage, we will no longer have to amend these sections each time the minimum wage is changed. All certificates issued under this rule will list the authorized subminimum wage rate.

The proposal incorporates the Division's long-standing policy of limiting the availability of special certificates for messengers to those firms whose principal business is the delivery of such letters and messages.

The changes discussed above will have no significant effect on the current operation of these programs.

Executive Order 12866 and Significant Regulatory Actions

This rule is not a "significant regulatory action" within the meaning of Executive Order 12866. The consolidation of the current regulations at 29 CFR Parts 520, 521, 522, and 523, and the removal of Part 527 does not affect the current operation of any program and this action will not: (1) have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken

or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866. Therefore, no regulatory impact analysis has been prepared.

Executive Order 12875 and Section 202 of the Unfunded Mandates Reform Act of 1995

For purposes of the Unfunded Mandates Reform Act of 1995, as well as Executive Order 12875, this rule does not include any federal mandate that may result in increased expenditures by either state, local and tribal governments in the aggregate, or by the private sector.

Regulatory Flexibility Analysis

This rule will not have a significant economic impact on a substantial number of small entities. The obligations and responsibilities established under the existing regulations will remain essentially the same under the proposed rule. The Department has certified to this effect to the Chief Counsel for Advocacy of the U.S. Small Business Administration. Therefore, no Regulatory Flexibility Analysis is required.

Document Preparation: This document was prepared under the direction and control of Maria Echaveste, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects

29 CFR Part 520

Minimum wages, Reporting and recordkeeping requirements, Students, Wage and Hour Division.

29 CFR Part 521

Manpower training programs, Minimum wages, Reporting and recordkeeping requirements, Wage and Hour Division.

29 CFR Part 522

Cigar and cigarettes, Clothing, Electronic products, Manpower training programs, Minimum wages, Reporting and recordkeeping requirements, Wage and Hour Division.

29 CFR Part 523

Minimum wages, Wage and Hour Division.

29 CFR Part 527

Minimum wages, Reporting and recordkeeping requirements, Students, Wage and Hour Division.

For the reasons set forth above, 29 CFR Part 520, 29 CFR Part 521, 29 CFR Part 522, 29 CFR Part 523, and 29 CFR Part 527 are proposed to be amended as set forth below.

Signed at Washington, D.C. on the 6th day of February, 1997.

Maria Echaveste,

Administrator, Wage and Hour Division.

PART 521—[REMOVED AND RESERVED]

1.–2. Under the authority of Sec. 14, 52 Stat. 1068, as amended, 29 U.S.C. 214, unless otherwise noted, Title 29, Code of Federal Regulations is proposed to be amended by removing part 521.

PART 522—[REMOVED AND RESERVED]

3. Under the authority of Sec. 14, 52 Stat. 1062, 1064 (29 U.S.C. 214); secs. 2–12, 60 Stat. 237–244 (5 U.S.C. 1001–1011), 29 U.S.C. 214, Title 29, Code of Federal Regulations is proposed to be amended by removing part 522.

PART 523—[REMOVED AND RESERVED]

4. Under the authority of Sec. 14, 52 Stat. 1068, as amended, 29 U.S.C. 214, Title 29, Code of Federal Regulations is proposed to be amended by removing part 523.

PART 527—[REMOVED AND RESERVED]

5. Under the authority of Sec. 14, 52 Stat. 1068, as amended, 29 U.S.C. 214, Title 29, Code of Federal Regulations is proposed to be amended by removing part 527.

PART 520—[REVISED]

6. Under the authority of Sec. 14, 52 Stat. 1068, as amended, 29 U.S.C. 214, Title 29, Code of Federal Regulations is proposed to be amended by revising part 520 to read as follows:

PART 520—EMPLOYMENT UNDER SPECIAL CERTIFICATE OF MESSENGERS, LEARNERS (INCLUDING STUDENT-LEARNERS), AND APPRENTICES

Subpart A—[Reserved]

Subpart B—What Are The General Provisions Governing the Employment of Messengers, Learners (Including Student-Learners), and Apprentices at Subminimum Wages?

Sec.

520.200 What is the legal authority for payment of wages lower than the minimum wage required by section 6(a) of the Fair Labor Standards Act?

520.201 How are those classifications of workers which may be paid subminimum wages under section 14(a) of the Fair Labor Standards Act defined?

520.202 How do persons who want to apply for a particular certificate find out what is needed?

520.203 What records does an employer have to keep when subminimum wage certificates are granted? How long do they have to be kept?

520.204 If someone does not agree with the Department of Labor's decision on a certificate, can the decision be appealed?

520.205 How do these rules affect other Federal, state and local laws and collective bargaining agreements?

Subpart C—Definitions

Subpart D—Messengers, Learners (Excluding Student-Learners), and Apprentices

520.400 Who are messengers, learners, and apprentices?

520.401 Are there any industries, occupations, etc. that do not qualify for a certificate to employ messengers, learners, or apprentices at subminimum wages?

520.402 How do I obtain authority to employ messengers, learners, or apprentices at subminimum wages?

520.403 What information is required when applying for authority to pay less than the minimum wage?

520.404 What must I demonstrate in my application for a messenger, learner, or apprentice certificate to receive a favorable review?

520.405 Must I notify my employees that I am applying for a certificate to employ messengers and/or learners at subminimum wages?

520.406 What happens once I have submitted my request for authorization to pay messengers, learners, or apprentices subminimum wages?

520.407 What is the subminimum wage for messengers and what must I do to comply with the terms of my certificate?

520.408 What is the subminimum wage for learners and what must I do to comply with the terms of my certificate?

520.409 When will authority to pay apprentices special minimum wages become effective and what is the special minimum wage rate?

- 520.410 How long does a messenger, learner, or apprentice certificate remain in effect?
- 520.411 Does a certificate authorizing payment of subminimum wages to messengers and/or learners remain in effect during the renewal process?
- 520.412 What records, in addition to those required by part 516 of this chapter and § 520.203 of this part, must I keep relating to the employment of messengers, learners, or apprentices under special certificate?

Subpart E—Student-Learners

- 520.500 Who is a student-learner?
- 520.501 How do I obtain authority to employ student-learners at subminimum wages?
- 520.502 What information must an application to employ student-learners at subminimum wages contain?
- 520.503 What must I demonstrate in my application for a student-learner certificate to receive a favorable review?
- 520.504 When will authority to pay student-learners subminimum wages become effective?
- 520.505 How will I be notified that my request to employ student-learners at subminimum wages has been denied and can I appeal the denial?
- 520.506 What is the subminimum wage for student-learners and what must I do to comply with the terms of my student-learner certificate?
- 520.507 How long does my certificate remain in effect?
- 520.508 What records, in addition to those required by part 516 of this chapter and § 520.203 of this part, must I keep when student-learners are employed?

Authority: Sec. 14, 52 Stat. 1062, 1064 (29 U.S.C. 214); secs. 2–12, 60 Stat. 237–244; (5 U.S.C. 1001–1011); 52 Stat. 1068, as amended, 29 U.S.C. 214.

PART 520—EMPLOYMENT UNDER SPECIAL CERTIFICATE OF MESSENGERS, LEARNERS (INCLUDING STUDENT-LEARNERS), AND APPRENTICES

Subpart A—[Reserved]

Subpart B—What Are the General Provisions Governing the Employment of Messengers, Learners (Including Student-Learners), and Apprentices at Subminimum Wages?

§ 520.200 What is the legal authority for payment of wages lower than the minimum wage required by section 6(a) of the Fair Labor Standards Act?

Section 14(a) of the Fair Labor Standards Act provides, in order to prevent curtailment of employment opportunities, for the payment of special minimum wage rates to workers employed as messengers, learners (including student-learners), and apprentices under special certificates issued by the Department of Labor.

§ 520.201 How are those classifications of workers which may be paid subminimum wages under section 14(a) of the Fair Labor Standards Act defined?

(a) A messenger is a worker who is primarily engaged in delivering letters and messages for a firm whose principal business is the delivery of such letters and messages.

(b) A learner is a worker who is being trained for an occupation, which is not customarily recognized as an apprenticeable trade, for which skill, dexterity and judgment must be learned and who, when initially employed, produces little or nothing of value. Except in extraordinary circumstances, an employee cannot be considered a “learner” once he/she has acquired a total of 240 hours of job-related and/or vocational training with the same or other employer(s) or training facility(ies) during the past three years. An individual qualifying as a “learner” may only be trained in two qualifying occupations.

(c) A student-learner is a student who is at least sixteen years of age, or at least eighteen years of age if employed in an occupation which the Secretary has declared to be particularly hazardous, who is receiving instruction in an accredited school, college or university and who is employed on a part-time basis, pursuant to a “bona fide vocational training program” as defined in subpart C of this part.

(d) An apprentice is a worker, at least sixteen years of age unless a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade through a registered apprenticeship program. Training is provided through structured on-the-job training combined with supplemental related theoretical and technical instruction. This term excludes pre-apprentices, trainees, learners, and student-learners. The terms learner and student-learner are defined in subpart C of this part. Standards governing the registration of apprenticeship programs are established and administered by the U. S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training (BAT) and are found in part 29 of this title.

(e) Additional terms used in this part are defined in subpart C.

§ 520.202 How do persons who want to apply for a particular certificate find out what is needed?

The application process, terms, conditions and requirements of certificates and other matters are discussed in subparts D and E of this part. Messengers, learners (excluding student-learners), and apprentices are

discussed in subpart D and student-learners in subpart E.

§ 520.203 What records does an employer have to keep when subminimum wage certificates are granted? How long do they have to be kept?

(a) In addition to other records required under the record-keeping regulations (part 516 of this chapter), the employer is required to keep records specific to certification under section 14(a) of the Fair Labor Standards Act. All workers employed under a subminimum wage certificate shall be designated as such on the employer's payroll records. Further recordkeeping requirements are described in each applicable subpart of this part (see §§ 520.412 and 520.508).

(b) Employers must maintain and preserve all required records for at least three years from the last date of employment under a subminimum wage program. The employer's copy of the application and the certificate shall also be maintained for three years. Such records shall be kept secure and accessible at the place of employment or where payroll records are customarily maintained. All records must be available for inspection and copying by the Administrator.

§ 520.204 If someone does not agree with the Department of Labor's decision on a certificate, can the decision be appealed?

(a) Any person, applicant, trade union, association, etc. who does not agree with action granting or denying a certificate (pursuant to §§ 520.406 and 520.505) may, within 60 days of that action or such additional time as the Administrator may allow, file with the Administrator a petition for review. The decision of the Administrator becomes final unless such a written request is timely filed.

(b) Such requests should contain a statement of the additional evidence which the person believes may materially affect the decision and establish that there were reasonable grounds for failure to present such evidence during the original certification process.

(c) If a request for reconsideration or review is granted, the Administrator, to the extent it is deemed appropriate, may afford other interested persons an opportunity to present data and views.

(d) The Administrator may conduct an investigation, which may include a hearing, prior to taking any action pursuant to this part.

§ 520.205 How do these rules affect other Federal, state and local laws and collective bargaining agreements?

No provision of this part, or of any special minimum wage certificate issued thereunder, shall excuse noncompliance with any other Federal or state law or municipal ordinance or collective bargaining agreement establishing higher standards.

Subpart C—Definitions

Administrator means the Administrator of the Wage and Hour Division, Employment Standards Administration, United States Department of Labor, or his/her authorized representative.

Apparel industry means the manufacturing of the following products as referred to in subpart D of this part:

(1) Rainwear means the manufacture of waterproofed garments and raincoats from oiled cloth or other materials, whether vulcanized, rubberized, cravenetted, or otherwise processed.

(2) Leather and sheep-lined clothing means the manufacture of leather, leather-trimmed and sheeplined garments for men, women or children.

(3) Women's apparel division of the apparel industry for the manufacture of women's, misses', and juniors' dresses means the production of women's, misses' and juniors' dresses; washable service garments; blouses from woven or purchased knit fabric; women's, misses', children's and infants' underwear, nightwear and negligees from woven fabrics; corsets and other body supporting garments from any material; infants' and children's outerwear; and other garments similar to them.

(4) Robes, means the manufacture of robes from any woven material or from purchased knitted materials, including, without limitation, men's women's and children's bath, lounging and beach robes and dressing gowns.

Apprentice means a worker, at least sixteen years of age unless a higher minimum age standard is otherwise fixed by law, who is employed to learn a skilled trade through a registered apprenticeship program. Training is provided through structured on-the-job training combined with supplemental related theoretical and technical instruction. This term excludes pre-apprentices, trainees, learners, and student-learners. The terms learner and student-learner are defined in this subpart.

Apprenticeship agreement means a written agreement between an apprentice and either his/her employer, or an apprenticeship committee acting as agent for employer(s), which

agreement contains the terms and conditions of the employment and training of the apprentice.

Apprenticeship committee means those persons designated by the sponsor to act for it in the administration of the program. A committee may be "joint", i.e., it is composed of an equal number of representatives of the employer(s) and of the employees represented by a bona fide collective bargaining agent(s) and has been established to conduct, operate, or administer an apprenticeship program and enter into apprenticeship agreements with apprentices. A committee may be "unilateral" or "non-joint" and shall mean a program sponsor in which a bona fide collective bargaining agent is not a participant.

Apprenticeship program means a plan containing all terms and conditions for the qualification, recruitment, selection, employment and training of apprentices, including such matters as the requirements for a written apprenticeship agreement.

BAT means the Bureau of Apprenticeship and Training, Employment and Training Administration, United States Department of Labor.

Bona fide vocational training program means a program authorized and approved by a state board of vocational education or other recognized educational body that provides for part-time employment training which may be scheduled for a part of the work day or workweek, for alternating weeks or for other limited periods during the year, supplemented by and integrated with a definitely organized plan of instruction designed to teach technical knowledge and related industrial information given as a regular part of the student-learner's course by an accredited school, college, or university.

Department means the United States Department of Labor.

Experienced worker means a worker whose total experience in an authorized learner occupation in the industry, including vocational training, within the past three years is equal to 240 hours or such other period as authorized by a learner certificate issued pursuant to the regulations in this part.

Experienced worker available for employment means an experienced worker residing within the area from which the plant/business customarily draws its labor supply or within a reasonable commuting distance of such area, and who is willing and able to accept employment in the plant/business; or an experienced worker residing outside of the area from which the plant/business customarily draws its labor supply, who has in fact made

himself or herself available for employment at the plant/business.

FLSA means the Fair Labor Standards Act of 1938 as amended (29 U.S.C 201 *et seq.*).

Learner means a worker who is being trained for an occupation, which is not customarily recognized as an apprenticeable trade, for which skill, dexterity and judgment must be learned and who, when initially employed produces little or nothing of value. Except in extraordinary circumstances, an employee cannot be considered a "learner" once he/she has acquired a total of 240 hours of job-related and/or vocational training with the same or other employer(s) or training facility(ies) during the past three years. An individual qualifying as a "learner" may only be trained in two qualifying occupations.

Learning period means a period of time measured in work hours and vocational training hours that is normally required to fully train an inexperienced worker in a particular occupation within an industry where the learner is employed. The learning period will not exceed 240 hours for any qualifying occupation except in extraordinary circumstances where the employer demonstrates that the occupation to be learned requires an extended period of specialized training.

Men's and boys' clothing industry means the industry which manufactures men's, youths', and boys' suits, coats, and overcoats.

Messenger means a worker who is primarily engaged in delivering letters and messages for a firm whose principal business is the delivery of such letters and messages.

Minimum wage means the wage rate required by section 6 of FLSA. For purposes of this part, subminimum wage rates are based exclusively on the applicable minimum wage provided by section 6(a).

Recognized apprenticeship agency means either a state apprenticeship agency recognized by the BAT, or if no such apprenticeship agency exists in the state, the BAT.

Registered apprenticeship program or agreement means a program or agreement which has been approved by a recognized apprenticeship agency as meeting the basic standards of apprenticeship adopted and published by BAT.

Secretary or Secretary of Labor means the Secretary of Labor, United States Department of Labor or his/her authorized representative.

Shoe manufacturing industry means the manufacture or partial manufacture of footwear from any material and by

any process except knitting, vulcanizing of the entire article or vulcanizing (as distinct from cementing) of the sole to the upper, including the manufacturing of the following: athletic shoes; boots; boot tops; burial shoes; custom-made boots or shoes; moccasins; puttees, except spiral puttees; sandals; shoes completely rebuilt in a shoe factory; slippers. This term also includes the manufacture from leather or from any shoe-upper material of all cut stock and findings for footwear, including bows, ornaments, and trimmings. It also includes the manufacture of cutsoles; midsoles; insoles; taps; lifts; rands; toplifts; bases; shanks; boxtoes; counters; stays; stripping; sock linings; and heel pads. Shoe manufacturing also includes the manufacture of heels from any material except molded rubber, but not including the manufacture of woodheel blocks; the manufacture of cut upper parts for footwear, including linings, vamps and quarters; and the manufacture of pasted shoe stock; as well as the manufacture of boot and shoe patterns. However, the manufacture of cut stock and findings is included within this definition only when performed by companies engaged in the production of shoes who incorporate most of the cut stock and findings in the manufacture of their product(s).

Skilled trade means an apprenticeable occupation which possesses all of the following characteristics:

- (1) It is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training.
- (2) It is clearly identified and commonly recognized throughout an industry.
- (3) It involves manual, mechanical or technical skills and knowledge which require a minimum of 2,000 hours of on-the-job work experience.
- (4) It requires related instruction to supplement the on-the-job training.
- (5) It is not merely a part of an apprenticeable occupation and does not fall into any of the following categories: marketing; sales administration; administrative support; executive and managerial; professional and semi-professional occupations (this category covers occupations for which entrance requirements customarily include education of college level).

Standards of apprenticeship means the apprenticeship program is an organized, written plan embodying the terms and conditions of employment, training, and supervision of one or more apprentices in the apprenticeable occupation, which meets the requirements established by BAT, and is

subscribed to by a sponsor who has undertaken to carry out the apprentice training program.

State means any state of the United States or the District of Columbia or any territory or possession of the United States.

Student-learner means a student who is at least sixteen years of age, or at least eighteen years of age if employed in an occupation which the Secretary has declared to be particularly hazardous, who is receiving instruction in an accredited school, college or university and who is employed by an establishment on a part-time basis, pursuant to a bona fide vocational training program.

Subminimum wage means the rates which may be paid under temporary authorization or under certificate as provided by section 14(a) of FLSA and this part.

Vocational Training Program. See "Bona fide vocational training program".

Wage and Hour Division means the Wage and Hour Division, Employment Standards Administration, United States Department of Labor.

Subpart D—Messengers, Learners (Excluding Student-Learners), and Apprentices

§ 520.400 Who are messengers, learners, and apprentices?

The terms messenger, learner, and apprentice are defined in subpart C of this part.

§ 520.401 Are there any industries, occupations, etc. that do not qualify for a certificate to employ messengers, learners, or apprentices at subminimum wages?

(a) Certificates to employ messengers at subminimum wages are available to only those establishments engaged in the business of providing messenger service, i.e., the delivery of letters and messages. Requests for such certificates are uniformly denied to applicants whose principal business purpose is not the delivery of messages and letters.

(b) All applications for special certificates authorizing the employment of learners at subminimum wage rates in the manufacture of products in the following industries shall be denied (definitions for all listed activities can be found in subpart C of this part):

- (1) In the apparel industry:
 - (i) Rainwear;
 - (ii) Leather and sheep-lined clothing;
 - (iii) Women's apparel division of the apparel industry for the manufacture of women's, misses', and juniors' dresses;
 - (iv) Robes;
- (2) Shoe manufacturing industry; and
- (3) Men's and boys' clothing industry.

(c) No certificates will be granted authorizing the employment of learners at subminimum wage rates as homeworkers; in maintenance occupations such as guard, porter, or custodian; in office and clerical occupations in any industry; or in operations of a temporary or sporadic nature.

(d) Authorization to employ apprentices at subminimum wages will only be granted if permitted by the BAT regulations (29 CFR part 29).

§ 520.402 How do I obtain authority to employ messengers, learners, or apprentices at subminimum wages?

(a) Employers wishing to employ messengers, learners, or apprentices as defined in subpart C of this part at subminimum wages must apply for authority to do so from the Administrator at the Wage and Hour Division's Regional Office having administrative jurisdiction over the geographic area in which the employment is to take place. To obtain the address of the Regional Office which services your geographic area, please contact your local Wage and Hour Office (under "Department of Labor" in the blue pages of your local telephone book).

(b) In the case of messengers, such application may be filed by an employer or group of employers. Preferential consideration will be given to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.

§ 520.403 What information is required when applying for authority to pay less than the minimum wage?

(a) A separate application must be made for each plant or establishment requesting authorization for employment of messengers and/or learners at subminimum wages, on the official form furnished by the Wage and Hour Division, containing all information required by the form including:

(1) Information concerning efforts made by the applicant to obtain experienced workers in occupation(s) for which learners are requested;

(2) The occupations/industry in which the messenger(s) and/or learner(s) are to be employed;

(3) A statement explaining why employment of messenger(s) and/or learner(s) at subminimum wages is needed to prevent curtailment of employment opportunities;

(4) The number of messengers and/or learners the applicant anticipates employing at subminimum wages under special certificate;

(5) If requesting authorization for the employment of learners at subminimum wages for a learning period greater than 240 hours, information pertinent to the extraordinary circumstances necessitating such a request. While each such request will be considered on its own merit, it is anticipated that such authorizations would be limited to occupations requiring an extended period of specialized training;

(6) The number of messengers and/or learners hired at subminimum wages during the twelve-month period prior to making application;

(7) Total number of nonsupervisory workers in the particular plant or establishment for which a certificate is requested;

(8) The number of experienced workers in the learner occupations and their straight-time average hourly earnings during the last payroll period and the corresponding payroll period in the prior year; and

(9) The type of equipment to be used by learners.

(b) For apprentices, the employer or apprenticeship committee must submit a copy of the registered apprenticeship program.

(c) Any applicant may also submit such additional information as may be pertinent. Applications which fail to provide the information required by the form may be returned to the applicant with a notation of deficiencies and without prejudice against submission of a new or revised application.

§ 520.404 What must I demonstrate in my application for a messenger, learner, or apprentice certificate to receive a favorable review?

(a) The application must demonstrate that a certificate is necessary in order to prevent the curtailment of opportunities for employment.

(b) The issuance of a messenger and/or learner certificate must not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage rates or working standards of experienced workers performing work of a like or comparable character in the industry.

(c) Abnormal labor conditions such as a strike, lock-out, or other similar condition, must not exist at the plant or establishment for which a messenger and/or learner certificate is requested.

(d) It must be shown that an adequate supply of qualified experienced workers is not available for employment in those occupations for which authorization to pay subminimum wages to learners has been requested; that the experienced workers presently employed in the plant or establishment in occupations in

which learners are requested are afforded an opportunity, to the fullest extent possible, for full-time employment upon completion of the learning period; and that learners are available for employment.

(e) Reasonable efforts must have been made to recruit workers paid at least the minimum wage in those occupations in which certificates to employ learners at subminimum wages have been requested. This includes the placement of an order with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office) not more than fifteen days prior to the date of application. Written evidence from such office that the order has been placed shall be submitted by the employer with the application.

(f) The occupation or occupations in which learners are to receive training must involve a sufficient degree of skill to necessitate an appreciable learning period.

(g) An apprenticeship program must conform with or substantially conform with the standards of apprenticeship as defined in subpart C of this part.

(h) There must be no serious outstanding violations involving the employee(s) for whom a certificate is being requested nor any serious outstanding violations of a certificate previously issued, nor any serious violations of the FLSA which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

§ 520.405 Must I notify my employees that I am applying for a certificate to employ messengers and/or learners at subminimum wages?

Upon making application for a messenger and/or learner certificate or for renewal thereof, an employer shall post a copy of the first page of the completed application form in a conspicuous place in each department of the plant or establishment where he/she proposes to employ messengers and/or learners at subminimum wage rates. Such notice shall remain posted until the application is acted upon by the Administrator.

§ 520.406 What happens once I have submitted my request for authorization to pay messengers, learners, or apprentices subminimum wages?

(a) All applications submitted for authorization to pay wages lower than those required by section 6(a) of the FLSA will be considered and acted upon (issued or denied) subject to the conditions specified in §§ 520.403 and 520.404.

(b) If, in the case of messengers and/or learners, available information indicates that the requirements of this part are satisfied, the Administrator shall issue a special certificate which will be mailed to the employer. If a special certificate is denied, the employer shall be given written notice of the denial. If a messenger and/or learner certificate is denied, notice of such denial shall be without prejudice to the filing of any subsequent application.

(c) If, in the case of apprentices, the apprenticeship agreement and others available information indicate that the requirements of this part are satisfied, the Administrator shall issue a special certificate. The special certificate, if issued, shall be mailed to the employer or the apprenticeship committee and a copy shall be mailed to the apprentice. If a special certificate is denied, the employer or the apprenticeship committee, the apprentice and the recognized apprenticeship agency shall be given written notice of the denial. The employer shall pay the apprentice the minimum wage applicable under section 6(a) of the FLSA from the date of receipt of notice of such denial.

§ 520.407 What is the subminimum wage for messengers and what must I do to comply with the terms of my certificate?

(a) A messenger certificate, if issued, shall specify:

(1) The subminimum wage rate of not less than 95 percent of the applicable minimum wage required by section 6(a) of the FLSA; and

(2) The effective and expiration dates of the certificate.

(b) The employer shall post a copy of the messenger certificate during its effective period in a conspicuous place where it can be readily seen by employees.

(c) No messenger shall be hired under a messenger certificate while abnormal labor conditions such as a strike, lock-out, or other similar condition, exist.

§ 520.408 What is the subminimum wage for learners and what must I do to comply with the terms of my certificate?

(a) All learner certificates shall specify:

(1) The subminimum wage rate of not less than 95 percent of the applicable minimum wage required by section 6(a) of the FLSA;

(2) The number or proportion of learners authorized to be employed on any one day;

(3) The occupations in which learners may be employed;

(4) The authorized learning period of not more than 240 hours, except in

extraordinary situations as discussed in § 520.403; and

(5) The effective and expiration dates of the certificate.

(b) Learners properly hired prior to the date on which a learner certificate expires may be continued in employment at subminimum wage rates for the duration of their authorized learning period under the terms of the certificate, even though the certificate may expire before the learning period is completed.

(c) The employer shall post a copy of the learner certificate during its effective period and thereafter until all authorized learners have completed their learning period(s). The certificate shall be posted in a conspicuous place in each department of the plant where learners are to be employed.

(d) No learners shall be hired under a learner certificate if, at the time the employment begins, experienced workers capable of equaling the performance of a worker of minimum acceptable skill are available for employment. Before hiring learners during the effective period of the certificate, the employer shall place an order for experienced workers with the local State or Territorial Public Employment Service Office (except in possessions where there is no such office) or have such an active order on file. Written evidence that an order has been placed or is on active file shall be maintained in the employer's records.

(e) No learner shall be hired under a learner certificate while abnormal labor conditions such as a strike, lock-out, or other similar condition exist in the plant or establishment.

(f) For each individual learner, the number of hours of previous employment and hours of vocational or similar facility(ies) training must be deducted from the authorized learning period if within the past three years the learner has been employed or received vocational training in a given occupation and industry.

(g) If experienced workers are paid on a piece rate basis, learners shall be paid at least the same piece rates as experienced workers employed on similar work in the plant and shall receive earnings based on such piece rates whenever such earnings exceed the subminimum wage rates permitted in the certificate.

§ 520.409 When will authority to pay apprentices special minimum wages become effective and what is the special minimum wage rate?

(a) An apprenticeship program which has been registered with a recognized apprenticeship agency shall constitute a

temporary special certificate authorizing the employment of an apprentice at the wages and under the conditions specified in such program until a special certificate is issued or denied.

This temporary authorization is, however, conditioned on the requirement that within 90 days from the beginning date of employment of the apprentice, the employer or the apprenticeship committee shall send one copy of each apprenticeship agreement, with evidence of registration, to the appropriate Regional Office of the Wage and Hour Division.

(b) The wage rate specified by the apprenticeship program becomes the special minimum wage rate that must be paid unless the Administrator issues a certificate modifying the terms and conditions of employment of apprentices at special minimum wages.

§ 520.410 How long does a messenger, learner, or apprentice certificate remain in effect?

(a) Messenger and/or learner certificates may be issued for a period of not longer than one year.

(b) Each special apprentice certificate shall specify the conditions and limitations under which it is granted, including the periods of time during which subminimum wage rates may be paid pursuant to a registered apprenticeship program.

(c) No certificate may be issued retroactively.

(d) The Administrator may amend the provisions of a certificate when necessary to correct omissions or defects in the original certificate or reflect changes in this part.

§ 520.411 Does a certificate authorizing payment of subminimum wages to messengers and/or learners remain in effect during the renewal process?

(a) Application for renewal of a messenger and/or learner certificate shall be made on the same form as described in this section and employees shall be advised of such renewal application in the same manner as explained in § 520.405. No effective messenger and/or learner certificate shall expire until action on an application for renewal shall have been finally determined, provided that such application has been properly executed in accordance with the requirements, and filed with and received by the Administrator not less than fifteen nor more than thirty days prior to the expiration date. A final determination means either the granting of or initial denial of the application for renewal of a messenger and/or learner certificate, or withdrawal of the application. A "properly executed application" is one

which contains the complete information required on the form, and the required certification by the applicant.

(b) A renewal certificate will not be issued unless there is a clear showing that the conditions set forth in § 520.404 still prevail.

§ 520.412 What records, in addition to those required by part 516 of this chapter and § 520.203 of this part, must I keep relating to the employment of messengers, learners, or apprentices under special certificate?

(a) Each worker employed as a messenger, learner, or apprentice under a certificate shall be designated as such on the employer's payroll records. All such messengers, learners, or apprentices shall be listed together as a separate group on the payroll records, with each messenger's, learner's, or apprentice's occupation being shown.

(b) At the time learners are hired, the employer shall also obtain and keep in his/her records a statement signed by each employee showing all applicable experience which the learner had in the employer's industry, including vocational training, during the preceding three years. The statement shall contain the dates of such previous employment, names and addresses of employers, the occupation or occupations in which the learner was engaged and the types of products upon which the learner worked. The statement shall also contain information concerning pertinent training in vocational training schools or similar training facilities, including the dates of such training and the identity of the vocational school or training facility. If the learner has had no applicable experience or pertinent training, a statement to that effect signed by the learner shall likewise be kept in the employer's records.

(c) The employer shall maintain a file of all evidence and records, including any correspondence, pertaining to the filing or cancellation of job orders placed with the local State or Territorial Public Employment Service Office pertaining to job orders for occupations to be performed by learners.

(d) Every employer who employs apprentices under temporary or special certificates shall preserve for three years from the last effective date of the certificate copies of the apprenticeship program, apprenticeship agreement and special certificate under which such an apprentice is employed.

(e) Every apprenticeship committee which holds a certificate under this part shall keep the following records for each apprentice under its control and supervision:

(1) The apprenticeship program, apprenticeship agreement and special certificate under which the apprentice is employed by an employer;

(2) The cumulative amount of work experience gained by the apprentice, in order to establish the proper wage at the time of his/her assignment to an employer; and

(3) A list of the employers to whom the apprentice was assigned and the period of time he/she worked for each employer.

(f) The records required in this section, including a copy of the application(s) submitted and any special certificate(s) issued, shall be kept and made available for inspection for at least three years from the expiration date of the certificate(s).

Subpart E—Student-Learners

§ 520.500 Who is a student-learner?

The term student-learner is defined in subpart C.

§ 520.501 How do I obtain authority to employ student-learners at subminimum wages?

(a) Employers wishing to employ student-learners at subminimum wages must apply for authority to do so from the Administrator at the Wage and Hour Division's Regional Office having administrative jurisdiction over the geographic area in which the employment is to take place. To obtain the address of the Regional Office which services your geographic area, please contact your local Wage and Hour Office (under "Department of Labor" in the blue pages of your local telephone book).

(b) Application must be made on the official form furnished by the Wage and Hour Division and must be signed by the employer, the appropriate school official and the student-learner. A separate application must be filed by the employer for each student-learner the employer proposes to employ at subminimum wages.

§ 520.502 What information must an application to employ student-learners at subminimum wages contain?

Student-learner applications must contain:

(a) A statement clearly outlining the vocational training program and showing, particularly, the processes in which the student-learner will be engaged when in training on the job;

(b) A statement clearly outlining the school instruction directly related to the job;

(c) The total number of workers employed in the establishment;

(d) The number and hourly wage rates of experienced workers employed in the occupation in which the student-learner is to be trained;

(e) The hourly wage rate or progressive wage schedule which the employer proposes to pay the student-learner;

(f) The age of the student-learner;

(g) The period of employment training at subminimum wages;

(h) The number of hours of employment training a week and the number of hours of school instruction a week;

(i) A certification by the appropriate school official that the student named on the application form will be receiving instruction in an accredited school, college, or university and will be employed pursuant to a bona fide vocational training program, as defined in subpart C of this part. The certification by the school official must satisfy the following conditions:

(1) The application must be properly executed in conformance with § 520.501;

(2) The employment training must conform with the provisions of § 520.503 (a), (c), (d), and (g) and paragraphs (a) and (c) of § 520.506;

(3) The occupation must not be one for which a student-learner application was previously submitted by the employer and a special certificate was denied by the Administrator.

§ 520.503 What must I demonstrate in my application for a student-learner certificate to receive a favorable review?

Each student-learner application must demonstrate that:

(a) The training program under which the student-learner will be employed is a bona fide vocational training program as defined in subpart C of this part;

(b) The employment of the student-learner at subminimum wages authorized by the special certificate must be necessary to prevent curtailment of opportunities for employment;

(c) The student-learner is at least sixteen years of age, or at least eighteen years of age if employed in any occupation which the Secretary has declared to be particularly hazardous (see part 570, subpart E, of this chapter, but note the specific exemptions for student-learners in several of the orders);

(d) The occupation for which the student-learner is receiving preparatory training requires a sufficient degree of skill to necessitate a substantial learning period;

(e) The training is not for the purpose of acquiring manual dexterity and high

production speed in repetitive operations;

(f) The employment of a student-learner will not have the effect of displacing a worker employed in the establishment;

(g) The employment of the student-learners at subminimum wages must not tend to impair or depress the wage rates or working standards established for experienced workers for work of a like or comparable character;

(h) The occupational needs of the community or industry warrant the training of student-learners;

(i) There are no serious outstanding violations of the provisions of a student-learner certificate previously issued to the employer, or serious violations of any other provisions of the FLSA by the employer which provide reasonable grounds to conclude that the terms of the certificate would not be complied with, if issued;

(j) The issuance of such a certificate would not tend to prevent the development of apprenticeship programs in accordance with the regulations applicable thereto (subpart D of this part) or would not impair established apprenticeship standards in the occupation or industry involved; and

(k) The number of student-learners to be employed in one establishment is not more than a small proportion of its work force.

§ 520.504 When will authority to pay student-learners subminimum wages become effective?

(a) Certification by the appropriate school official on an application for a special student-learner certificate shall constitute a temporary authorization. This temporary authorization is effective from the date such application is forwarded to the Wage and Hour Division in conformance with § 520.501.

(b) At the end of 30 days, this application shall become the permanent special student-learner certificate unless, after review, the Administrator denies the application, issues a certificate with modified terms and conditions, or expressly extends the period of review.

§ 520.505 How will I be notified that my request to employ student-learners at subminimum wages has been denied and can I appeal the denial?

(a) If, after review, an application is denied, notification of denial will be made to the appropriate school official, the employer and the student. This notification will occur within 30 days following the date such application was forwarded to the Wage and Hour Division, unless additional time for

review is considered necessary or appropriate.

(b) If additional time for review is considered necessary or appropriate, the proper school official, the employer, and the student shall be so notified. To the extent feasible, the Administrator may provide an opportunity to other interested persons to present data and views on the application before denying a special student-learner certificate.

(c) Whenever a notification of denial is mailed to the employer, such denial shall be without prejudice to any subsequent application, except under the circumstances referred to in § 520.502(i)(3).

(d) Section 520.204 describes the procedures for requesting reconsideration of a decision to grant or deny a certificate.

§ 520.506 What is the subminimum wage for student-learners and what must I do to comply with the terms of my student-learner certificate?

(a) The special minimum wage rate paid to student-learners shall be not less than 75 percent of the applicable minimum under section 6(a) of the FLSA.

(b) Compliance with items listed for favorable review of a student-learner application (§ 540.503) must be demonstrated.

(c) (1) The number of hours of employment training each week at subminimum wages pursuant to a certificate, when added to the hours of

school instruction, shall not exceed 40 hours, except that authorization may be granted by the Administrator for a greater number of hours if found to be justified by extraordinary circumstances.

(2) When school is not in session on any school day, the student-learner may work a number of hours in addition to the weekly hours of employment training authorized by the certificate; provided,

(i) The total hours worked shall not exceed 8 hours on any such day, and

(ii) A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked on such day.

(3) During the school term, when school is not in session for the entire week, the student-learner may work at his/her employment training a number of hours in the week in addition to those authorized by the certificate; provided,

(i) The total hours shall not exceed 40 hours in any such week, and

(ii) A notation shall be made in the employer's records to the effect that school not being in session was the reason additional hours were worked in such week.

(d) A special student-learner certificate shall not constitute authorization to pay a subminimum wage rate to a student-learner in any week in which he/she is employed for a number of hours in addition to the number authorized in the certificate,

except as provided in paragraphs (c)(1), (2), and (3) of this section.

§ 520.507 How long does my certificate remain in effect?

(a) A special student-learner certificate shall be effective for a period not to exceed the length of one school year unless a longer period is found to be justified by extraordinary circumstances. These circumstances must be explained in detail at the time of application. While each such request will be considered on its own merit, it is anticipated that such authorizations would be limited to occupations requiring an extended period of specialized training;

(b) No certificate shall authorize employment training beyond the date of graduation.

(c) No special student-learner certificate may be issued retroactively.

§ 520.508 What records, in addition to those required by part 516 of this chapter and § 520.203 of this part, must I keep when student-learners are employed?

Any worker employed as a student-learner shall be identified as such on the payroll records, with each student-learner's occupation and rate of pay being shown. Notations should be made in the employer's records when additional hours are worked by reason of school not being in session.

[FR Doc. 97-3597 Filed 2-13-97; 8:45 am]

BILLING CODE 4510-27-P

Federal Register

Friday
February 14, 1997

Part III

Department of Health and Human Services

National Institutes of Health

Recombinant DNA Advisory Committee
Meeting and Recombinant DNA Research:
Proposed Actions Under the Guidelines;
Notices

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Advisory Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Recombinant DNA Advisory Committee on March 6-7, 1997. The meeting will be held at the National Institutes of Health, Building 31C, 6th Floor, Conference Room 10, 9000 Rockville Pike, Bethesda, Maryland 20892, starting on March 6, 1997, at approximately 9 a.m., and will recess at approximately 5 p.m. The meeting will reconvene on March 7, 1997, at approximately 8:30 a.m. and will adjourn at approximately 5 p.m. The meeting will be open to the public to discuss Proposed Actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules (59 FR 34496) and other matters to be considered by the Committee. The Proposed Actions to be discussed will follow this notice of meeting. Attendance by the public will be limited to space available. Members of the public wishing to speak at this meeting may be given such opportunity at the discretion of the Chair.

Ms. Debra W. Knorr, Acting Director, Office of Recombinant DNA Activities, National Institutes of Health, MSC 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, Phone (301) 496-9838, FAX (301) 496-9839, will provide materials to be discussed at this meeting, roster of committee members, and substantive program information. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Knorr in advance of the meeting. A summary of the meeting will be available at a later date.

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592, June 11, 1980) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined not to be cost effective or in the public interest to

attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: January 30, 1997.
Paula N. Hayes,
Acting Committee Management Officer,
National Institutes of Health.
[FR Doc. 97-3736 Filed 2-12-97; 8:45 am]
BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Recombinant DNA Research: Proposed Actions Under the Guidelines

AGENCY: National Institutes of Health (NIH), PHS, DHHS.

ACTION: Notice of Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules.

SUMMARY: This notice sets forth proposed actions to be taken under the NIH Guidelines for Research Involving Recombinant DNA Molecules (59 FR 34496, amended 59 FR 40170, 60 FR 20726, 61 FR 1482, 61 FR 10004, 62 FR 4782). Interested parties are invited to submit comments concerning these proposals. There proposals will be considered by the Recombinant DNA Advisory Committee (RAC) at its meeting on March 6-7, 1997. After consideration of these proposals and comments by the RAC, the NIH Director will issue decisions in accordance with the NIH Guidelines.

DATES: Interested parties are invited to submit comments concerning this proposal. Comments received by February 27, 1997, will be reproduced and distributed to the RAC for consideration at its March 6-7, 1997, meeting. After consideration of this proposal and comments by the RAC, the NIH Director will issue decisions in accordance with the NIH Guidelines.

ADDRESSES: Written comments and recommendations should be submitted to Debra Knorr, Office of Recombinant DNA Activities, National Institutes of

Health, MSC 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, or by FAX to 301-496-9839.

All comments received in response to this notice will be considered and will be available for public inspection in the above office on weekdays between the hours of 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Background documentation and additional information can be obtained from the Office of Recombinant DNA Activities, National Institutes of Health, MSC 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, Phone 301-496-9838, FAX 301-496-9839.

SUPPLEMENTARY INFORMATION: The NIH will consider the following actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

I. Amendment to the Overall Procedures for Human Gene Transfer Protocols

I-A. Notice of Intent

On July 8, 1996, the NIH Director published a Notice of Intent to Propose Amendments to the NIH Guidelines for Research Involving Recombinant DNA Molecules Regarding Enhanced Oversight of Recombinant DNA Activities (61 FR 35774). This Notice of Intent proposed modifications in NIH oversight of human gene transfer research. Specifically, it was proposed that the RAC would be terminated and that all approval responsibilities for recombinant DNA experiments involving human gene transfer would be relinquished to the Food and Drug Administration (FDA), which retains statutory authority for such approval. Under this revised oversight structure, a newly created ORDA Advisory Committee (OAC) would preserve continued public accountability for recombinant DNA research. To ensure quality and efficiency of public discussion of the scientific merit and the ethical issues relevant to gene therapy clinical trials, it was proposed that the NIH Director implement a regular series of Gene Therapy Policy Conferences (GTPC). Finally, the proposal assured the continuation of the publicly available comprehensive NIH database of clinical trials with human gene transfer, including reporting of adverse events.

In response to the Notice of Intent, the NIH received 71 written comments (90 signatures) reflecting a broad spectrum of public opinion on the proposed changes. Comments were received from a variety of stakeholders, including individuals representing academia,

industry, patient advocacy organizations, consumer advocacy organizations, professional scientific societies, ethicists, other Federal agencies, NIH-funded investigators, past and present RAC members, and private citizens. Careful consideration was given to each of the written comments that were submitted.

I-B. Proposed Actions—November 1996

On November 22, 1996, the NIH Director published Notice of Proposed Actions Under the NIH Guidelines for Research Involving Recombinant DNA Molecules (61 FR 59725). The Notice of Proposed Actions was in response to public opinion and in keeping with the NIH Director's intent to increase the usefulness and productivity of public discussion of gene therapy.

In the Proposed Actions, the NIH Director proposed to: (1) Retain the RAC, while modifying its roles and responsibilities relevant to human gene therapy research, (2) continue RAC discussion of novel human gene transfer experiments without RAC approval of individual human gene transfer experiments; (3) reduce the membership of RAC from 25 members to 15 members; (4) regularly convene GTPC; and (5) maintain public access to human gene transfer clinical information. The following summarizes the roles and responsibilities of the NIH Director, the RAC, the ORDA, and the local institutions under the Notice of Proposed Actions.

I-B-1. Proposed Roles and Responsibilities in Accordance with the NIH Guidelines

I-B-1-a. The NIH Director

The roles and responsibilities of the NIH Director remain unchanged except for relinquishing approval of human gene transfer experiments, and establishing and convening Gene Therapy Policy Conferences. The NIH Director is responsible for establishing the NIH Guidelines, overseeing their implementation, and their final interpretation; promulgating requirements as necessary to implement the NIH Guidelines; establishing and maintaining the RAC; establishing and maintaining ORDA; conducting and supporting training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers and other institutional experts (if applicable), Principal Investigators, and laboratory staff; and establishing and convening Gene Therapy Policy Conferences.

I-B-1-b. The Recombinant DNA Advisory Committee

The RAC will remain a chartered public advisory committee to the NIH Director regarding recombinant DNA research conducted in compliance with the NIH Guidelines. The RAC will conduct quarterly meetings. RAC members will continue to be appointed by the DHHS Secretary or his/her designee for 4-year terms. RAC membership will be reduced from 25 to 15 members. At least eight of these members shall be knowledgeable in the fields of molecular genetics, molecular biology, recombinant DNA research, or other related fields and at least four of these members shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives of Federal agencies shall continue to serve as non-voting members.

The RAC will be responsible for: (1) Identifying novel human gene transfer experiments deserving of public discussion by the full RAC and transmitting comments/recommendations about specific human gene transfer experiments or categories of human gene transfer experiments to the NIH Director. (2) Identifying novel ethical issues relevant to specific human applications of gene transfer and recommending appropriate modifications to the Points to Consider that will provide guidance in the preparation of relevant Informed Consent documents. (3) Identifying novel scientific and safety issues relevant to specific human applications of gene transfer and recommending appropriate modifications to the Points to Consider that will provide guidance in the design and submission of human gene transfer clinical trials. (4) Publicly reviewing human gene transfer clinical trial data captured by NIH/ORDA in accordance with the annual data reporting requirements. (5) Identifying broad scientific and ethical/social issues relevant to gene therapy research as potential Gene Therapy Policy Conference topics.

The RAC will advise the NIH Director on the following actions: (1) Adopting changes in the NIH Guidelines. (2) Assigning containment levels, changing containment levels, and approving experiments considered as Major Actions under the NIH Guidelines, i.e., the deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire the trait naturally, if such acquisition could

compromise the use of the drug to control disease agents in humans, veterinary medicine, or agriculture. (3) Promulgating and amending lists of classes of recombinant DNA molecules to be exempt from the NIH Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes or otherwise do not present a significant risk to health or the environment. (4) Certifying new host-vector systems.

I-B-1-c. Gene Therapy Policy Conferences (GTPCs)

In order to enhance the depth and value of public discussion relevant to scientific, safety, and ethical/societal implications of gene therapy research, the NIH Director will convene GTPC at regular intervals. As appropriate, the NIH Director may convene GTPC immediately following scheduled RAC meetings. GTPC will be administered by the NIH/ORDA. Conference participation will not involve a standing committee membership but rather will offer the unique advantage of assembling numerous participants who possess significant scientific, ethical, and legal expertise and/or interest that is directly applicable to a specific gene therapy research issue. At least one member of the RAC will serve as Co-chair of each GTPC and report the findings of the GTPC to the full committee at its next scheduled meeting. The RAC representative for each GTPC will be chosen based on the participant's area of expertise relative to the specific gene therapy research issue to be discussed. GTPC will have representation from other Federal agencies, including the FDA. GTPCs will focus on broad over-arching policy and scientific issues related to gene therapy research. Proposals for GTPC topics may be submitted by members of the RAC, representatives of academia, industry, patient and consumer advocacy organizations, other Federal agencies, professional scientific societies, and the general public. GTPC topics will not be limited to discussion of human applications of gene therapy research, i.e., they may include basic research on the use of novel gene delivery vehicles, or novel applications of gene transfer. The findings of the GTPC will be transmitted to the NIH Director and will be made publicly available. The NIH Director anticipates that this public policy forum will serve as a model for interagency communication and collaboration, concentrated expert discussion of novel scientific issues and their potential societal implications, and enhanced opportunity for public discussion of the

potential impact of such applications on human health and the environment.

I-B-1-d. The Office of Recombinant DNA Activities (ORDA)

ORDA is an organizational unit of the NIH Office of Science Policy within the Office of the Director. ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH including institutions, Biological Safety Officers, Principal Investigators, Federal agencies, state and local governments, and institutions in the private sector. ORDA's responsibilities include (but are not limited to) the following: (1) Serving as the focal point for public access to summary information pertaining to human gene transfer experiments. (2) Serving as the focal point for data management of human gene transfer experiments. (3) Administering the annual data reporting requirements (and subsequent review) for human gene transfer experiments. (4) Transmitting comments/recommendations arising from public RAC discussion of a novel human gene transfer experiment to the NIH Director. RAC recommendations shall be forwarded to the Principal Investigator, sponsoring institution, and other Department of Health and Human Services (DHHS) components, as appropriate. (5) Collaborating with Principal Investigators, Institutional Biosafety Committees, Institutional Review Boards, and other DHHS components, to ensure human gene transfer experiment registration compliance. (6) Administering Gene Therapy Policy Conferences as deemed appropriate by the NIH Director. (7) Reviewing and approving experiments in conjunction with *ad hoc* experts involving the cloning of genes encoding for toxin molecules that are lethal for vertebrates at an LD₅₀ of less than or equal to 100 nanograms per kilogram body weight in organisms other than *Escherichia coli* K-12. (8) Serving as the executive secretary of the RAC. (9) Publishing in the Federal Register the announcements of RAC meetings and tentative agendas at least 15 days in advance, announcements of Gene Therapy Policy Conferences and tentative agendas at least 15 days in advance, proposed Major Actions at least 15 days prior to the RAC meeting; and (10) Reviewing and approving the membership of an institution's Institutional Biosafety Committee.

I-B-1-e. Local Institutions

The Notice of Proposed Actions would change the roles and responsibilities of local institutions, Institutional Biosafety Committees,

Biosafety Officers, Principal Investigators, Animal Facility Directors, Greenhouse Supervisors, and Human Gene Therapy experts relevant to recombinant DNA research conducted in compliance with the NIH Guidelines. These changes now include the following requirements: (1) When the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval, the institution shall appoint at least one individual with expertise in plant, plant pathogen, or plant pest containment principles (who is also a member of the Institutional Biosafety Committee); (2) when the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval, the institution shall appoint at least one individual with expertise in animal containment principles (who is also a member of the Institutional Biosafety Committee); and (3) when the institution participates in or sponsors recombinant DNA research involving human subjects, the institution must ensure that: (a) The Institutional Biosafety Committee has adequate expertise and training (using *ad hoc* consultants as deemed necessary) and (b) all aspects of Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects (Points to Consider), have been appropriately addressed by the Principal Investigator prior to submission to NIH/ORDA.

I-C. Recombinant DNA Advisory Committee Meeting—December 1996

During the December 9, 1996, Recombinant DNA Advisory Committee meeting, the following motions were made:

I-C-1. Future RAC Membership—Committee Motion 1

A motion was made to invite former RAC members back to serve as *ad hoc* consultants in order to ensure institutional continuity of the RAC. The motion passed by a vote of 15 in favor, 0 opposed, and no abstentions.

I-C-2. Triggering Mechanism for RAC Discussion—Committee Motion 2

A motion was made that: (1) The capacity for principal investigators and institutional representatives to request public RAC discussion of an individual gene transfer protocol should be deleted. (2) A decision by the RAC to require full review of an individual protocol should not have to be approved by the NIH Director. (3) The NIH Director or an appropriate FDA representative may also request RAC

review of an individual protocol. (4) Rather than a majority vote, RAC recommendations for full review of an individual protocol should be changed to a minimum of three members. (5) The decision regarding necessity for RAC discussion should be made within 15 working days. The motion passed by a vote of 16 in favor, 0 opposed, and no abstentions.

I-C-3. Feedback Mechanism—Committee Motion 3

A motion was made to request FDA to report back to the RAC how the RAC recommendations on an individual protocol were implemented. The RAC should require investigators to provide additional information if the FDA information is not adequate. The motion failed by a vote of 3 in favor, 7 opposed, and 4 abstentions.

I-C-4. Feedback Mechanism—Committee Motion 4

A motion was made to require investigators to report back to the RAC in writing in a timely fashion. The report should include a statement of how the investigators have responded to RAC's recommendations and any modifications to the protocol following FDA review. The motion passed by a vote of 12 in favor, 1 opposed, and 1 abstention.

I-C-5. Relationship of the RAC and GTPC—Committee Motion 5

A motion was made that the RAC, with the NIH Director's approval, should have the primary responsibility for: (1) Planning the GTPC agendas, and (2) summarizing GTPC recommendations in the form of a report back to the NIH Director. The close GTPC/RAC relationship should not preclude other parties from suggesting GTPC topics and GTPC should be convened in consultation with FDA. The motion passed by a vote of 13 in favor, 0 opposed, and 2 abstentions.

I-C-6. Proposed Actions Concepts—Committee Motion 6

A motion was made to accept the overall concepts put forward in the Proposed Actions as published in the November 22, 1996, Federal Register (61 FR 59725). Specifically: (1) Retain the RAC, while modifying its roles and responsibilities relevant to human gene therapy research, (2) continue RAC discussion of novel human gene transfer experiments without RAC approval of individual human gene transfer experiments; (3) reduce the membership of RAC from 25 members to 15 members; (4) regularly convene GTPC; and (5) maintain public access to human

gene transfer clinical trial information. The members of the RAC noted that several minor modifications still remained unresolved, particularly with regard to the future discussion of gene therapy protocols and defining the role of the RAC relative to the GTPCs. The RAC recommended that final action on the Proposed Actions should be postponed to the March 6-7, 1997, RAC meeting, in order to more fully address these unresolved issues. The motion passed by a vote of 12 in favor, 0 opposed, and 2 abstentions.

II. Meetings Between the NIH and FDA Regarding Simultaneous Submission to Human Gene Transfer Protocols to the NIH and the FDA

In a letter dated November 20, 1996, Dr. Andra Miller, Cytokine and Gene Therapy Branch, Center of Biologics Evaluation and Research, FDA, requested that the NIH Guidelines should be amended regarding procedures for simultaneous submission of Appendix M material to the RAC and FDA. In her November 20, 1996, letter, Dr. Miller states:

“ * * * (1) Remove the requirement for submission of Appendix M to the FDA. The FDA does not accept Appendix M in place of an IND submission. The FDA is not proposed to be and need not be included in the decision making process to identify protocols to undergo full RAC review. Therefore, there is no reason for sponsors to submit Appendix M materials to the FDA.

“(2) Explore the feasibility of a unified format for submission of protocols to the RAC and FDA. This would relieve the sponsor of the burden of preparing duplicative submission to satisfy each agency.

“(3) Establish a mechanism for FDA staff to bring general issues of novelty and concern to the RAC for discussion. This will provide a mechanism for public input toward the resolution of issues we all must consider and provide direction for policy development and growth in the field of gene therapy.”

On January 27, 1997, NIH and FDA staff met to consider amendments to the NIH Guidelines that incorporate the recommendations of both the NIH and the FDA with regard to simultaneous submission of human gene transfer protocols. The recommendations of NIH and FDA staff are incorporated below in the Proposed Actions Regarding the Overall Procedures for Human Gene Transfer Protocol.

III. Proposed Actions Regarding the Overall Procedures for Human Gene Transfer Protocols

The NIH will consider the following proposed actions under the NIH Guidelines for Research Involving Recombinant DNA Molecules:

[Note: Editorial changes and updating of references have been incorporated to clarify the document.]

III-A. Proposed Amendments to Section I, Scope of the NIH Guidelines

Section I is proposed to be amended to read:

Section I. Scope of the NIH Guidelines

Section I-A. Purpose

[This section remains unchanged.]
Section I-A-1. Any recombinant DNA experiment, which according to the NIH Guidelines requires approval by the NIH, must be submitted to the NIH or to another Federal agency that has jurisdiction for review and approval. Once approvals, or other applicable clearances, have been obtained from a Federal agency other than the NIH (whether the experiment is referred to that agency by the NIH or sent directly there by the submitter), the experiment may proceed without the necessity for NIH review or approval. (See exception in Section I-A-1-a regarding requirement for human gene transfer protocol registration.)

Section I-A-1-a. Experiments involving the deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into human subjects (human gene transfer) cannot be initiated without simultaneous submission to both NIH/ORDA and the FDA of such information on the proposed experiment as is prescribed by those agencies. Submission of human gene transfer protocols to the NIH will be in the format described in Appendix M-I, Submission Requirements—Human Gene Transfer Experiments, of the NIH Guidelines. Submission to NIH shall be for registration purposes and will ensure continued public access to relevant human gene transfer information conducted in compliance with the NIH Guidelines. Submission of human gene transfer protocols to the FDA will be in the format described in 21 CFR, Chapter I, Subchapter D, Part 312, Subpart B, Section 23, IND Content and Format.

If a determination is made that an experiment will undergo full RAC discussion, NIH/ORDA will immediately notify the Principal Investigator. RAC members may forward requests for additional information relevant to a specific protocol through

NIH/ORDA to the Principal Investigator. In making a determination whether an experiment is novel, and thus deserving of full RAC discussion, reviewers will examine the scientific rationale, scientific content (relative to other proposals reviewed by the RAC), whether the preliminary *in vitro* and *in vivo* data were obtained in appropriate models and are sufficient, and whether questions related to safety, efficacy, and social/ethical contest have been resolved. RAC's recommendation(s) on a specific human gene transfer experiment will be forwarded to the NIH Director, the Principal Investigator, the sponsoring institution, and to other Department of Health and Human Services (DHHS) components, as appropriate.

Section I-B. Definition of Recombinant DNA Molecules

[This section remains unchanged.]

Section I-C. General Applicability

Section I-C-1. The NIH Guidelines are applicable to:

Section I-C-1-a. All recombinant DNA research within the United States (U.S.) or its territories that is within the category of research described in either Section I-C-1-a-(1) or Section I-C-1-a-(2).

Section I-C-1-a-(1). Research that is conducted at or sponsored by an institution that receives any support for recombinant DNA research from the NIH, including research performed directly by the NIH. An individual who receives support for research involving recombinant DNA must be associated with or sponsored by an institution that assumes the responsibilities assigned in the NIH Guidelines.

Section I-C-1-a-(2). Research that involves testing in humans of materials containing recombinant DNA developed with NIH funds, if the institution that developed those materials sponsors or participates in those projects. Participation includes research collaboration or contractual agreements, not mere provision of research materials.

Section I-C-1-b. All recombinant DNA research performed abroad that is within the category of research described in either Section I-C-1-b-(1) or Section I-C-1-b-(2).

Section I-C-1-b-(1). Research supported by NIH funds.

Section I-C-1-b-(2). Research that involves testing in humans of materials containing recombinant DNA developed with NIH funds, if the institution that developed those materials sponsors or participates in those projects. Participation includes research

collaboration or contractual agreements, not mere provision of research materials.

Section I-C-1-b-(3). If the host country has established rules for the conduct of recombinant DNA research, then the research must be in compliance with those rules. If the host country does not have such rules, the proposed research must be reviewed and approved by an NIH-approved Institutional Biosafety Committee or equivalent review body and accepted in writing by an appropriate national governmental authority of the host country. The safety practices that are employed abroad must be reasonably consistent with the NIH Guidelines.

Section I-D. Compliance With the NIH Guidelines

As a condition for NIH funding of recombinant DNA research, institutions shall ensure that such research conducted at or sponsored by the institution, irrespective of the source of funding, shall comply with the NIH Guidelines.

Information concerning noncompliance with the NIH Guidelines may be brought forward by any person. It should be delivered to both NIH/ORDA and the relevant institution. The institution, generally through the Institutional Biosafety Committee, shall take appropriate action. The institution shall forward a complete report of the incident recommending any further action to the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

In cases where NIH proposes to suspend, limit, or terminate financial assistance because of noncompliance with the NIH Guidelines, applicable DHHS and Public Health Service procedures shall govern.

The policies on compliance are as follows:

Section I-D-1. All NIH-funded projects involving recombinant DNA techniques must comply with the NIH Guidelines. Non-compliance may result in: (i) Suspension, limitation, or termination of financial assistance for the noncompliant NIH-funded research project and of NIH funds for other recombinant DNA research at the institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the institution.

Section I-D-2. All non-NIH funded projects involving recombinant DNA techniques conducted at or sponsored by an institution that receives NIH funds for projects involving such

techniques must comply with the NIH Guidelines. Noncompliance may result in: (i) Suspension, limitation, or termination of NIH funds for recombinant DNA research at the institution, or (ii) a requirement for prior NIH approval of any or all recombinant DNA projects at the institution.

[The remainder of Section I is proposed to be renumbered to reflect above changes.]

III-B. Proposed Amendments to Section II, Safety Considerations

The second paragraph of Section II-A-3 is proposed to be amended to read:

Section II-A-3. Comprehensive Risk Assessment

* * * A final assessment of risk based on these considerations is then used to set the appropriate containment conditions for the experiment (see Section II-B, Containment). The containment level required may be equivalent to the Risk Group classification of the agent or it may be raised or lowered as a result of the above considerations. The Institutional Biosafety Committee must approve the risk assessment and the biosafety containment level for recombinant DNA experiments described in Sections III-A, Experiments that Require Institutional Biosafety Committee Approval, RAC Review, and NIH Director Approval Before Initiation, III-B, Experiments that Require NIH/ORDA and Institutional Biosafety Committee Approval Before Initiation, III-C, Experiments that Require Institutional Biosafety Committee and Institutional Review Board Approvals and NIH/ORDA Registration Before Initiation, and III-D, Experiments that Require Institutional Biosafety Committee Approval Before Initiation * * *

III-C. Proposed Amendments to Section III, Experiments Covered by the NIH Guidelines

Section III is proposed to be amended to read:

Section III. Experiments Covered by the NIH Guidelines

This section describes six categories of experiments involving recombinant DNA: (i) Those that require Institutional Biosafety Committee (IBC) approval, RAC review, and NIH Director approval before initiation (see Section III-A), (ii) those that require NIH/ORDA and Institutional Biosafety Committee approval before initiation (see Section III-B), (iii) those that require Institutional Biosafety Committee and Institutional Review Board approvals

and NIH/ORDA registration before initiation (see Section III-C), (iv) those that require Institutional Biosafety Committee approval before initiation (see Section III-D), (v) those that require Institutional Biosafety Committee notification simultaneous with initiation (see Section III-E), and (vi) those that are exempt from the NIH Guidelines (see Section III-F).

Note: If an experiment falls into Sections III-A, III-B, or III-C and one of the other sections, the rules pertaining to Sections III-A, III-B, or III-C shall be followed. If an experiment falls into Section III-F and into either Sections III-D or III-E as well, the experiment is considered exempt from the NIH Guidelines.

Any change in containment level, which is different from those specified in the NIH Guidelines, may not be initiated without the express approval of NIH/ORDA (see Section IV-C-1-b-(2) and its subsections, Minor Actions).

Section III-A. Experiments That Require Institutional Biosafety Committee Approval, RAC Review, and NIH Director Approval Before Initiation (See Section IV-C-1-b-(1), Major Actions)

Section III-A-1. Major Actions Under the NIH Guidelines

Experiments considered as Major Actions under the NIH Guidelines cannot be initiated without submission of relevant information on the proposed experiment to the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838, the publication of the proposal in the Federal Register for 15 days of comment, review by the RAC, and specific approval by the NIH. The containment conditions or stipulation requirements for such experiments will be recommended by the RAC and set by the NIH at the time of approval. Such experiments require Institutional Biosafety Committee approval before initiation. Specific experiments already approved are included in Appendix D, Major Actions Taken under the NIH Guidelines, which may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section III-A-1-a. The deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire the trait naturally (see Section V-B, Footnotes and References of Sections I-IV), if such acquisition could compromise the use of the drug to

control disease agents in humans, veterinary medicine, or agriculture, will be reviewed by the RAC.

Section III-B. Experiments That Require NIH/ORDA and Institutional Biosafety Committee Approval Before Initiation

Experiments in this category cannot be initiated without submission of relevant information on the proposed experiment to NIH/ORDA. The containment conditions for such experiments will be determined by NIH/ORDA in consultation with *ad hoc* experts. Such experiments require Institutional Biosafety Committee approval before initiation (see Section IV-B-2-b-(1), Institutional Biosafety Committee).

Section III-B-1. Experiments Involving the Cloning of Toxin Molecules With LD₅₀ of Less Than 100 Nanograms per Kilogram Body Weight

Deliberate formation of recombinant DNA containing genes for the biosynthesis of toxin molecules lethal for vertebrates at an LD₅₀ of less than 100 nanograms per kilogram body weight (e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, and *Shigella dysenteriae* neurotoxin). Specific approval has been given for the cloning in *Escherichia coli* K-12 of DNA containing genes coding for the biosynthesis of toxic molecules which are lethal to vertebrates at 100 nanograms to 100 micrograms per kilogram body weight. Specific experiments already approved under this section may be obtained from the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section III-C. Experiments That Require Institutional Biosafety Committee and Institutional Review Board Approvals and NIH/ORDA Registration Before Initiation

Section III-C-1. Experiments Involving the Deliberate Transfer of Recombinant DNA or DNA or RNA Derived From Recombinant DNA Into Human Subjects

Experiments involving the deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into human subjects (human gene transfer) cannot be initiated without simultaneous submission of relevant information on the proposed experiment to both NIH/ORDA and the FDA. Submission to NIH/ORDA shall be for registration purposes and will ensure continued public access to relevant human gene transfer information

conducted in compliance with the NIH Guidelines. Submission of human gene transfer protocols to the NIH will be in the format described in Appendix M-I, Submission Requirements—Human Gene Transfer Experiments, of the NIH Guidelines. Submission of human gene transfer protocols to the FDA will be in the format described in 21 CFR, Chapter I, Subchapter D, Part 312, Subpart B, Section 23, IND Content and Format. Prior to submission of a human gene transfer experiment to NIH/ORDA, the Principal Investigator must obtain Institutional Biosafety Committee (IBC) approval from each institution that will handle recombinant DNA material that is to be administered to human subjects and Institutional Review Board approval from each institution in which human subjects will undergo gene transfer. Specifically: (1) Any institution involved in the production of the vectors for human application, (2) any institution at which there is *ex vivo* transduction of the recombinant DNA material into target cells for human application, and (3) any institution at which the recombinant DNA material will be directly administered to human subjects. These local committee approvals and relevant protocol documentation shall be submitted to NIH/ORDA for registration purposes and determination regarding the necessity of full RAC review and approval/disapproval.

The RAC prefers that submission to NIH/ORDA in accordance with Appendix M-I, Submission Requirements—Human Gene Transfer Experiments, of the NIH Guidelines, contain no proprietary data or trade secrets, enabling all aspects of the review to be open to the public. Following receipt by NIH/ORDA, relevant information shall be entered into the NIH human gene transfer database for registration purposes. Summary information pertaining to the human gene transfer protocol will be forwarded to RAC members. The NIH/ORDA summary information shall include comparisons to previously registered protocols. Specific items of similarity to previous experiments include (but are not limited to): (i) Gene delivery vehicle, (ii) functional gene, (iii) marker gene, (iv) packaging cell (if applicable), (v) disease application, (vi) route of administration, and (vii) patient selection criteria.

RAC members shall notify NIH/ORDA within 15 working days if the protocol has been determined to represent novel characteristics requiring further public discussion.

Full RAC review of an individual human gene transfer experiment can be

initiated by the NIH Director or recommended to the NIH Director by: (i) Three or more RAC members, or (ii) other Federal agencies. An individual human gene transfer experiment that is recommended for full RAC review should represent novel characteristics deserving of public discussion. RAC recommendations on a specific human gene transfer experiment shall be forwarded to the NIH Director, the Principal Investigator, the sponsoring institution, and other Department of Health and Human Services (DHHS) components, as appropriate.

Note: For specific directives concerning the use of retroviral vectors for gene delivery, consult Appendix B-V-1, Murine Retroviral Vectors.

Section III-D. Experiments That Require Institutional Biosafety Committee Approval Before Initiation

[This section remains unchanged except for renumbering and reference changes due to renumbering.]

Section III-E. Experiments That Require Institutional Biosafety Committee Notice Simultaneous With Initiation

[This section remains unchanged except for renumbering and reference changes due to renumbering.]

Section III-F. Exempt Experiments

[This section remains unchanged except for renumbering and reference changes due to renumbering.]

III-D. Proposed Amendments to Section IV, Roles and Responsibilities

Section IV is proposed to be amended to read:

SECTION IV. ROLES AND RESPONSIBILITIES

Section IV-A. Policy

The safe conduct of experiments involving recombinant DNA depends on the individual conducting such activities. The NIH Guidelines cannot anticipate every possible situation. Motivation and good judgment are the key essentials to protection of health and the environment. The NIH Guidelines are intended to assist the institution, Institutional Biosafety Committee, Biological Safety Officer, and Principal Investigator in determining safeguards that should be implemented. The NIH Guidelines will never be complete or final since all conceivable experiments involving recombinant DNA cannot be foreseen. Therefore, it is the responsibility of the institution and those associated with it to adhere to the intent of the NIH Guidelines as well as to their specifics. Each institution (and the Institutional

Biosafety Committee acting on its behalf) is responsible for ensuring that all recombinant DNA research conducted at or sponsored by that institution is conducted in compliance with the NIH Guidelines. General recognition of institutional authority and responsibility properly establishes accountability for safe conduct of the research at the local level. The following roles and responsibilities constitute an administrative framework in which safety is an essential and integral part of research involving recombinant DNA molecules. Further clarifications and interpretations of roles and responsibilities will be issued by the NIH as necessary.

Section IV-B. Responsibilities of the Institution

Section IV-B-1. General Information

Each institution conducting or sponsoring recombinant DNA research which is covered by the NIH Guidelines is responsible for ensuring that the research is conducted in full conformity with the provisions of the NIH Guidelines. In order to fulfill this responsibility, the institution shall:

Section IV-B-1-a. Establish and implement policies that provide for the safe conduct of recombinant DNA research and that ensure compliance with the NIH Guidelines. As part of its general responsibilities for implementing the NIH Guidelines, the institution may establish additional procedures, as deemed necessary, to govern the institution and its components in the discharge of its responsibilities under the NIH Guidelines. Such procedures may include: (i) statements formulated by the institution for the general implementation of the NIH Guidelines, and (ii) any additional precautionary steps the institution deems appropriate.

Section IV-B-1-b. Establish an Institutional Biosafety Committee that meets the requirements set forth in Section IV-B-2-a and carries out the functions detailed in Section IV-B-2-b.

Section IV-B-1-c. Appoint a Biological Safety Officer (who is also a member of the Institutional Biosafety Committee) if the institution: (i) Conducts recombinant DNA research at Biosafety Level (BL) 3 or BL4, or (ii) engages in large scale (greater than 10 liters) research. The Biological Safety Officer carries out the duties specified in Section IV-B-3.

Section IV-B-1-d. Appoint at least one individual with expertise in plant, plant pathogen, or plant pest containment principles (who is also a member of the Institutional Biosafety

Committee) if the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval in accordance with Appendix P, Physical and Biological Containment for Recombinant DNA Research Involving Plants.

Section IV-B-1-e. Appoint at least one individual with expertise in animal containment principles (who is also a member of the Institutional Biosafety Committee) if the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval in accordance with Appendix Q, Physical and Biological Containment for Recombinant DNA Research Involving Animals.

Section IV-B-1-f. When the institution participates in or sponsors recombinant DNA research involving human subjects, the institution must ensure that: (i) The Institutional Biosafety Committee has adequate expertise and training (using *ad hoc* consultants as deemed necessary) and (ii) all aspects of Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects (Points to Consider), have been appropriately addressed by the Principal Investigator prior to submission to NIH/ORDA. Institutional Biosafety Committee approval must be obtained from each institution that will handle recombinant DNA material that is to be administered to human subjects.

Section IV-B-1-g. Assist and ensure compliance with the NIH Guidelines by Principal Investigators conducting research at the institution as specified in Section IV-B-4.

Section IV-B-1-h. Ensure appropriate training for the Institutional Biosafety Committee Chair and members, Biological Safety Officer and other containment experts (when applicable), Principal Investigators, and laboratory staff regarding laboratory safety and implementation of the NIH Guidelines. The Institutional Biosafety Committee Chair is responsible for ensuring that Institutional Biosafety Committee members are appropriately trained. The Principal Investigator is responsible for ensuring that laboratory staff are appropriately trained. The institution is responsible for ensuring that the Principal Investigator has sufficient training; however, this responsibility may be delegated to the Institutional Biosafety Committee.

Section IV-B-1-i. Determine the necessity for health surveillance of personnel involved in connection with individual recombinant DNA projects; and if appropriate, conduct a health

surveillance program for such projects. The institution shall establish and maintain a health surveillance program for personnel engaged in large scale research or production activities involving viable organisms containing recombinant DNA molecules which require BL3 containment at the laboratory scale. The institution shall establish and maintain a health surveillance program for personnel engaged in animal research involving viable recombinant DNA-containing microorganisms that require BL3 or greater containment in the laboratory. The Laboratory Safety Monograph discusses various components of such a program (e.g., records of agents handled, active investigation of relevant illnesses, and the maintenance of serial serum samples for monitoring serologic changes that may result from the employees' work experience). Certain medical conditions may place a laboratory worker at increased risk in any endeavor where infectious agents are handled. Examples cited in the Laboratory Safety Monograph include gastrointestinal disorders and treatment with steroids, immunosuppressive drugs, or antibiotics. Workers with such disorders or treatment should be evaluated to determine whether they should be engaged in research with potentially hazardous organisms during their treatment or illness. Copies of the Laboratory Safety Monograph are available from the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section IV-B-1-j. Report any significant problems, violations of the NIH Guidelines, or any significant research-related accidents and illnesses to NIH/ORDA within thirty days, unless the institution determines that a report has already been filed by the Principal Investigator or Institutional Biosafety Committee. Reports shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section IV-B-2. Institutional Biosafety Committee (IBC)

The institution shall establish an Institutional Biosafety Committee whose responsibilities need not be restricted to recombinant DNA. The Institutional Biosafety Committee shall meet the following requirements:

Section IV-B-2-a. Membership and Procedures

Section IV-B-2-a-(1). The Institutional Biosafety Committee must be comprised of no fewer than five members so selected that they collectively have experience and expertise in recombinant DNA technology and the capability to assess the safety of recombinant DNA research and to identify any potential risk to public health or the environment. At least two members shall not be affiliated with the institution (apart from their membership on the Institutional Biosafety Committee) and who represent the interest of the surrounding community with respect to health and protection of the environment (e.g., officials of state or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community). The Institutional Biosafety Committee shall include at least one individual with expertise in plant, plant pathogen, or plant pest containment principles when experiments utilizing Appendix P, Physical and Biological Containment for Recombinant DNA Research Involving Plants, require prior approval by the Institutional Biosafety Committee. The Institutional Biosafety Committee shall include at least one scientist with expertise in animal containment principles when experiments utilizing Appendix Q, Physical and Biological Containment for Recombinant DNA Research Involving Animals, require Institutional Biosafety Committee prior approval. When the institution conducts recombinant DNA research at BL3, BL4, or Large Scale (greater than 10 liters), a Biological Safety Officer is mandatory and shall be a member of the Institutional Biosafety Committee (see Section IV-B-3, Biological Safety Officer). When the institution participates in or sponsors recombinant DNA research involving human subjects, the institution must ensure that: (i) The Institutional Biosafety Committee has adequate expertise and training (using *ad hoc* consultants as deemed necessary) and (ii) all aspects of Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects (Points to Consider), have been appropriately addressed by the Principal Investigator prior to submission to NIH/ORDA. Institutional Biosafety Committee approval must be obtained from each institution that will

handle recombinant DNA material that is to be administered to human subjects.

Note: Individuals, corporations, and institutions not otherwise covered by the NIH Guidelines, are encouraged to adhere to the standards and procedures set forth in Sections I through IV (see Section IV-E, Voluntary Compliance. The policy and procedures for establishing an Institutional Biosafety Committee under Voluntary Compliance, are specified in Section IV-E-2, Institutional Biosafety Committee Approval).

Section IV-B-2-a-(2). In order to ensure the competence necessary to review and approve recombinant DNA activities, it is recommended that the Institutional Biosafety Committee: (i) Include persons with expertise in recombinant DNA technology, biological safety, and physical containment; (ii) include or have available as consultants persons knowledgeable in institutional commitments and policies, applicable law, standards of professional conduct and practice, community attitudes, and the environment, and (iii) include at least one member representing the laboratory technical staff.

Section IV-B-2-a-(3). The institution shall file an annual report with NIH/ORDA which includes: (i) A roster of all Institutional Biosafety Committee members clearly indicating the Chair, contact person, Biological Safety Officer (if applicable), plant expert (if applicable), and animal expert (if applicable); and (ii) biographical sketches of all Institutional Biosafety Committee members (including community members).

Section IV-B-2-a-(4). No member of an Institutional Biosafety Committee may be involved (except to provide information requested by the Institutional Biosafety Committee) in the review or approval of a project in which he/she has been or expects to be engaged or has a direct financial interest.

Section IV-B-2-a-(5). The institution, that is ultimately responsible for the effectiveness of the Institutional Biosafety Committee, may establish procedures that the Institutional Biosafety Committee shall follow in its initial and continuing review and approval of applications, proposals, and activities.

Section IV-B-2-a-(6). When possible and consistent with protection of privacy and proprietary interests, the institution is encouraged to open its Institutional Biosafety Committee meetings to the public.

Section IV-B-2-a-(7). Upon request, the institution shall make available to the public all Institutional Biosafety Committee meeting minutes and any

documents submitted to or received from funding agencies which the latter are required to make available to the public. If public comments are made on Institutional Biosafety Committee actions, the institution shall forward both the public comments and the Institutional Biosafety Committee's response to the Office of Recombinant DNA Activities, National Institutes of Health/MS C 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section IV-B-2-b. Functions

On behalf of the institution, the Institutional Biosafety Committee is responsible for:

Section IV-B-2-b-(1). Reviewing recombinant DNA research conducted at or sponsored by the institution for compliance with the NIH Guidelines as specified in Section III, Experiments Covered by the NIH Guidelines, and approving those research projects that are found to conform with the NIH Guidelines. This review shall include: (i) Independent assessment of the containment levels required by the NIH Guidelines for the proposed research; (ii) assessment of the facilities, procedures, practices, and training and expertise of personnel involved in recombinant DNA research; and (iii) ensuring compliance with all surveillance, data reporting, and adverse event reporting requirements required by the NIH Guidelines.

Section IV-B-2-b-(2). Notifying the Principal Investigator of the results of the Institutional Biosafety Committee's review and approval.

Section IV-B-2-b-(3). Lowering containment levels for certain experiments as specified in Section III-C-2-a, Experiments in which DNA from Human or Animal Pathogens (Risk Group 2, Risk Group 3, Risk Group 4, or Restricted Agents is Cloned into Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems.

Section IV-B-2-b-(4). Setting containment levels as specified in Sections III-C-4-b, Experiments Involving Whole Animals, and III-C-5, Experiments Involving Whole Plants.

Section IV-B-2-b-(5). Periodically reviewing recombinant DNA research conducted at the institution to ensure compliance with the NIH Guidelines.

Section IV-B-2-b-(6). Adopting emergency plans covering accidental spills and personnel contamination resulting from recombinant DNA research.

Note: The Laboratory Safety Monograph describes basic elements for developing specific procedures dealing with major spills of potentially hazardous materials in the

laboratory, including information and references about decontamination and emergency plans. The NIH and the Centers for Disease Control and Prevention are available to provide consultation and direct assistance, if necessary, as posted in the Laboratory Safety Monograph. The institution shall cooperate with the state and local public health departments by reporting any significant research-related illness or accident that may be hazardous to the public health.

Section IV-B-2-b-(7). Reporting any significant problems with or violations of the NIH Guidelines and any significant research-related accidents or illnesses to the appropriate institutional official and NIH/ORDA within 30 days, unless the Institutional Biosafety Committee determines that a report has already been filed by the Principal Investigator. Reports to NIH/ORDA shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MSK 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Section IV-B-2-b-(8). The Institutional Biosafety Committee may not authorize initiation of experiments which are not explicitly covered by the NIH Guidelines until NIH (with the advice of the RAC when required) establishes the containment requirement.

Section IV-B-2-b-(9). Performing such other functions as may be delegated to the Institutional Biosafety Committee under Section IV-B-2, Institutional Biosafety Committee.

Section IV-B-3. Biological Safety Officer (BSO)

Section IV-B-3-a. The institution shall appoint a Biological Safety Officer if it engages in large scale research or production activities involving viable organisms containing recombinant DNA molecules.

Section IV-B-3-b. The institution shall appoint a Biological Safety Officer if it engages in recombinant DNA research at BL3 or BL4. The Biological Safety Officer shall be a member of the Institutional Biosafety Committee.

Section IV-B-3-c. The Biological Safety Officer's duties include, but are not limited to:

Section IV-B-3-c-(1). Periodic inspections to ensure that laboratory standards are rigorously followed;

Section IV-B-3-c-(2). Reporting to the Institutional Biosafety Committee and the institution any significant problems, violations of the NIH Guidelines, and any significant research-related accidents or illnesses of which the Biological Safety Officer becomes aware unless the Biological Safety Officer

determines that a report has already been filed by the Principal Investigator;

Section IV-B-3-c-(3). Developing emergency plans for handling accidental spills and personnel contamination and investigating laboratory accidents involving recombinant DNA research;

Section IV-B-3-c-(4). Providing advice on laboratory security;

Section IV-B-3-c-(5). Providing technical advice to Principal Investigators and the Institutional Biosafety Committee on research safety procedures.

Note: See the Laboratory Safety Monograph for additional information on the duties of the Biological Safety Officer.

Section IV-B-4. Plant, Plant Pathogen, or Plant Pest Containment Expert

When the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval in accordance with Appendix P, Physical and Biological Containment for Recombinant DNA Research Involving Plants, the institution shall appoint at least one individual with expertise in plant, plant pathogen, or plant pest containment principles (who is also a member of the Institutional Biosafety Committee).

Section IV-B-5. Animal Containment Expert

When the institution conducts recombinant DNA research that requires Institutional Biosafety Committee approval in accordance with Appendix Q, Physical and Biological Containment for Recombinant DNA Research Involving Animals, the institution shall appoint at least one individual with expertise in animal containment principles (who is also a member of the Institutional Biosafety Committee).

Section IV-B-6. Human Gene Therapy Expert

When the institution participates in or sponsors recombinant DNA research involving human subjects, the institution must ensure that: (i) The Institutional Biosafety Committee has adequate expertise and training (using *ad hoc* consultants as deemed necessary) and (ii) all aspects of Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects (Points to Consider), have been appropriately addressed by the Principal Investigator prior to submission to NIH/ORDA. Institutional Biosafety Committee approval must be obtained from each institution that will handle recombinant DNA material that is to be administered to human subjects.

Section IV-B-7. Principal Investigator (PI)

On behalf of the institution, the Principal Investigator is responsible for full compliance with the NIH Guidelines in the conduct of recombinant DNA research.

Section IV-B-7-a. General Responsibilities

As part of this general responsibility, the Principal Investigator shall:

Section IV-B-7-a-(1). Initiate or modify no recombinant DNA research which requires Institutional Biosafety Committee approval prior to initiation (see Sections III-A, III-B, III-C, and III-D, Experiments Covered by the NIH Guidelines) until that research or the proposed modification thereof has been approved by the Institutional Biosafety Committee and has met all other requirements of the NIH Guidelines;

Section IV-B-7-a-(2). Determine whether experiments are covered by Section III-D, Experiments that Require Institutional Biosafety Committee Notice Simultaneous with Initiation, and that the appropriate procedures are followed;

Section IV-B-7-a-(3). Report any significant problems, violations of the NIH Guidelines, or any significant research-related accidents and illnesses to the Biological Safety Officer (where applicable), Greenhouse/Animal Facility Director (where applicable), Institutional Biosafety Committee, NIH/ORDA, and other appropriate authorities (if applicable) within 30 days. Reports to NIH/ORDA shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MSK 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838;

Section IV-B-7-a-(4). Report any new information bearing on the NIH Guidelines to the Institutional Biosafety Committee and to NIH/ORDA (reports to NIH/ORDA shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MSK 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838);

Section IV-B-7-a-(5). Be adequately trained in good microbiological techniques;

Section IV-B-7-a-(6). Adhere to Institutional Biosafety Committee-approved emergency plans for handling accidental spills and personnel contamination; and

Section IV-B-7-a-(7). Comply with shipping requirements for recombinant DNA molecules (see Appendix H, Shipment, for shipping requirements

and the Laboratory Safety Monograph for technical recommendations).

Section IV-B-7-b. Submissions by the Principal Investigator to the NIH/ORDA

The Principal Investigator shall:

Section IV-B-7-b-(1). Submit information to NIH/ORDA for certification of new host-vector systems;

Section IV-B-7-b-(2). Petition NIH/ORDA, with notice to the Institutional Biosafety Committee, for proposed exemptions to the NIH Guidelines;

Section IV-B-7-b-(3). Petition NIH/ORDA, with concurrence of the Institutional Biosafety Committee, for approval to conduct experiments specified in Sections III-A-1, Major Actions Under the NIH Guidelines, and III-B, Experiments that Require NIH/ORDA and Institutional Biosafety Committee Approval Before Initiation;

Section IV-B-7-b-(4). Petition NIH/ORDA for determination of containment for experiments requiring case-by-case review; and

Section IV-B-7-b-(5). Petition NIH/ORDA for determination of containment for experiments not covered by the NIH Guidelines.

Section IV-B-7-b-(6). Ensure that all aspects of Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects, have been appropriately addressed prior to submission of human gene therapy experiments to NIH/ORDA.

Section IV-B-7-c. Submissions by the Principal Investigator to the Institutional Biosafety Committee

The Principal Investigator shall:

Section IV-B-7-c-(1). Make an initial determination of the required levels of physical and biological containment in accordance with the NIH Guidelines;

Section IV-B-7-c-(2). Select appropriate microbiological practices and laboratory techniques to be used for the research;

Section IV-B-7-c-(3). Submit the initial research protocol and any subsequent changes (e.g., changes in the source of DNA or host-vector system), if covered under Sections III-A, III-B, III-C, or III-D (Experiments Covered by the NIH Guidelines), to the Institutional Biosafety Committee for review and approval or disapproval; and

Section IV-B-7-c-(4). Remain in communication with the Institutional Biosafety Committee throughout the conduct of the project.

Section IV-B-7-d. Responsibilities of the Principal Investigator Prior to Initiating Research

The Principal Investigator shall:

Section IV-B-7-d-(1). Make available to all laboratory staff the protocols that describe the potential biohazards and the precautions to be taken;

Section IV-B-7-d-(2). Instruct and train laboratory staff in: (i) The practices and techniques required to ensure safety, and (ii) the procedures for dealing with accidents; and

Section IV-B-7-d-(3). Inform the laboratory staff of the reasons and provisions for any precautionary medical practices advised or requested (e.g., vaccinations or serum collection).

Section IV-B-7-e. Responsibilities of the Principal Investigator During the Conduct of the Research

The Principal Investigator shall:

Section IV-B-7-e-(1). Supervise the safety performance of the laboratory staff to ensure that the required safety practices and techniques are employed;

Section IV-B-7-e-(2). Investigate and report any significant problems pertaining to the operation and implementation of containment practices and procedures in writing to the Biological Safety Officer (where applicable), Greenhouse/Animal Facility Director (where applicable), the Institutional Biosafety Committee, NIH/ORDA, and other appropriate authorities (if applicable) (reports to the NIH/ORDA shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838);

Section IV-B-7-e-(3). Correct work errors and conditions that may result in the release of recombinant DNA materials; and

Section IV-B-7-e-(4). Ensure the integrity of the physical containment (e.g., biological safety cabinets) and the biological containment (e.g., purity and genotypic and phenotypic characteristics).

Section IV-B-7-e-(5). Comply with annual data reporting and adverse event reporting requirements for human gene transfer experiments (see Appendix M-VII, Reporting Requirements—Human Gene Transfer Protocols).

Section IV-C. Responsibilities of the National Institutes of Health (NIH)

Section IV-C-1. NIH Director

The NIH Director is responsible for: (i) Establishing the NIH Guidelines, (ii) overseeing their implementation, and (iii) their final interpretation. The NIH Director has responsibilities under the NIH Guidelines that involve ORDA and the RAC. ORDA's responsibilities under the NIH Guidelines are administrative.

Advice from the RAC is primarily scientific, technical, and ethical. In certain circumstances, there is specific opportunity for public comment with published response prior to final action.

Section IV-C-1-a. General Responsibilities

The NIH Director is responsible for:

Section IV-C-1-a-(1). Promulgating requirements as necessary to implement the NIH Guidelines;

Section IV-C-1-a-(2). Establishing and maintaining the RAC to carry out the responsibilities set forth in Section IV-C-2, Recombinant DNA Advisory Committee (RAC membership is specified in its charter and in Section IV-C-2);

Section IV-C-1-a-(3). Establishing and maintaining NIH/ORDA to carry out the responsibilities defined in Section IV-C-3, Office of Recombinant DNA Activities;

Section IV-C-1-a-(4). Conducting and supporting training programs in laboratory safety for Institutional Biosafety Committee members, Biological Safety Officers and other institutional experts (if applicable), Principal Investigators, and laboratory staff.

Section IV-C-1-a-(5). Establishing and convening Gene Therapy Policy Conferences as described in Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects.

Section IV-C-1-b. Specific Responsibilities

In carrying out the responsibilities set forth in this section, the NIH Director, or a designee shall weigh each proposed action through appropriate analysis and consultation to determine whether it complies with the NIH Guidelines and presents no significant risk to health or the environment.

Section IV-C-1-b-(1). Major Actions

To execute Major Actions, the NIH Director shall seek the advice of the RAC and provide an opportunity for public and Federal agency comment. Specifically, the Notice of Meeting and Proposed Actions shall be published in the Federal Register at least 15 days before the RAC meeting. The NIH Director's decision/recommendation (at his/her discretion) may be published in the Federal Register for 15 days of comment before final action is taken. The NIH Director's final decision/recommendation, along with responses to public comments, shall be published in the Federal Register. The RAC and Institutional Biosafety Committee Chairs

shall be notified of the following decisions:

Section IV-C-1-b-(1)-(a). Changing containment levels for types of experiments that are specified in the NIH Guidelines when a Major Action is involved;

Section IV-C-1-b-(1)-(b). Assigning containment levels for types of experiments that are not explicitly considered in the NIH Guidelines when a Major Action is involved;

Section IV-C-1-b-(1)-(c).

Promulgating and amending a list of classes of recombinant DNA molecules to be exempt from the NIH Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes or otherwise do not present a significant risk to health or the environment;

Section IV-C-1-b-(1)-(d). Permitting experiments specified by Section III-A, Experiments that Require Institutional Biosafety Committee Approval, RAC Review, and NIH Director Approval Before Initiation;

Section IV-C-1-b-(1)-(e). Certifying new host-vector systems with the exception of minor modifications of already certified systems (the standards and procedures for certification are described in Appendix I-II, Certification of Host-Vector Systems). Minor modifications constitute (e.g., those of minimal or no consequence to the properties relevant to containment); and

Section IV-C-1-b-(1)-(f). Adopting other changes in the NIH Guidelines.

Section IV-C-1-b-(2). Minor Actions

NIH/ORDA shall carry out certain functions as delegated to it by the NIH Director (see Section IV-C-3, Office of Recombinant DNA Activities). Minor Actions (as determined by NIH/ORDA in consultation with the RAC Chair and one or more RAC members, as necessary) will be transmitted to the RAC and Institutional Biosafety Committee Chairs:

Section IV-C-1-b-(2)-(a). Changing containment levels for experiments that are specified in Section III, Experiments Covered by the NIH Guidelines (except when a Major Action is involved);

Section IV-C-1-b-(2)-(b). Assigning containment levels for experiments not explicitly considered in the NIH Guidelines;

Section IV-C-1-b-(2)-(c). Revising the Classification of Etiologic Agents for the purpose of these NIH Guidelines (see Section V-A, Footnotes and References of Sections I-IV).

Section IV-C-1-b-(2)-(d). Interpreting the NIH Guidelines for experiments to which the NIH Guidelines do not specifically assign containment levels;

Section IV-C-1-b-(2)-(e). Setting containment under Sections III-C-1-d, Experiments Using Risk Group 2, Risk Group 3, Risk Group 4, or Restricted Agents as Host-Vector Systems, and III-C-2-b, Experiments in which DNA from Risk Group 2, Risk Group 3, Risk Group 4, or Restricted Agents is Cloned into Nonpathogenic Prokaryotic or Lower Eukaryotic Host-Vector Systems;

Section IV-C-1-b-(2)-(f). Approving minor modifications of already certified host-vector systems (the standards and procedures for such modifications are described in Appendix I-II, Certification of Host-Vector Systems);

Section IV-C-1-b-(2)-(g). Decertifying already certified host-vector systems;

Section IV-C-1-b-(2)-(h). Adding new entries to the list of molecules toxic for vertebrates (see Appendix F, Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Molecules Toxic for Vertebrates); and

Section IV-C-1-b-(2)-(i). Determining appropriate containment conditions for experiments according to case precedents developed under Section IV-C-1-b-(2)-(c).

Section IV-C-2. Recombinant DNA Advisory Committee (RAC)

The RAC is responsible for carrying out specified functions cited below as well as others assigned under its charter or by the DHHS Secretary and the NIH Director. The RAC consists of 15 voting members including the Chair, appointed by the DHHS Secretary or his/her designee, at least 8 of whom are selected from authorities knowledgeable in the fields of molecular genetics, molecular biology, recombinant DNA research, or other scientific fields. At least 4 members of the RAC shall be persons knowledgeable in applicable law, standards of professional conduct and practice, public attitudes, the environment, public health, occupational health, or related fields. Representatives from Federal agencies shall serve as non-voting members. Nominations for the RAC may be submitted to the Office of Recombinant DNA Activities, National Institutes of Health/MSB 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

All meetings of the RAC shall be announced in the Federal Register, including tentative agenda items, 15 days before the meeting. Final agendas, if modified, shall be available at least 72 hours before the meeting. No item defined as a Major Action under Section IV-C-1-b-(1) may be added to an agenda following Federal Register publication.

The RAC shall be responsible for:

Section IV-C-2-a. Advising the NIH Director on the following actions: (1) Adopting changes in the NIH Guidelines. (2) Assigning containment levels, changing containment levels, and approving experiments considered as Major Actions under the NIH Guidelines, i.e., the deliberate transfer of a drug resistance trait to microorganisms that are not known to acquire the trait naturally, if such acquisition could compromise the use of the drug to control disease agents in humans, veterinary medicine, or agriculture. (3) Promulgating and amending lists of classes of recombinant DNA molecules to be exempt from the NIH Guidelines because they consist entirely of DNA segments from species that exchange DNA by known physiological processes or otherwise do not present a significant risk to health or the environment. (4) Certifying new host-vector systems.

Section IV-C-2-b. Identifying novel human gene transfer experiments deserving of public discussion by the full RAC;

Section IV-C-2-c. Transmitting specific comments/recommendations about: (i) a specific human gene transfer experiment, or (ii) a category of human gene transfer experiments, to the NIH Director;

Section IV-C-2-d. Publicly reviewing human gene transfer clinical trial data and relevant information evaluated and summarized by NIH/ORDA in accordance with the annual data reporting requirements; and

Section IV-C-2-e. Identifying broad scientific and ethical/social issues relevant to gene therapy research as potential Gene Therapy Policy Conference topics.

Section IV-C-2-f. Identifying novel ethical issues relevant to specific human applications of gene transfer and recommending appropriate modifications to the Points to Consider that will provide guidance in the preparation of relevant Informed Consent documents;

Section IV-C-3. Office of Recombinant DNA Activities (ORDA)

ORDA shall serve as a focal point for information on recombinant DNA activities and provide advice to all within and outside NIH including institutions, Biological Safety Officers, Principal Investigators, Federal agencies, state and local governments, and institutions in the private sector. ORDA shall carry out such other functions as may be delegated to it by the NIH Director. ORDA's responsibilities include (but are not limited to) the following:

Section IV-C-3-a. Serving as the focal point for public access to summary information pertaining to human gene transfer experiments;

Section IV-C-3-b. Serving as the focal point for data management of human gene transfer experiments;

Section IV-C-3-c. Administering the annual data reporting requirements (and subsequent review) for human gene transfer experiments (see Appendix M-VII, Reporting Requirements—Human Gene Transfer Protocols);

Section IV-C-3-d. Transmitting comments/recommendations arising from public RAC discussion of a novel human gene transfer experiment to the NIH Director. RAC recommendations shall be forwarded to the Principal Investigator, the sponsoring institution, and other Department of Health and Human Services (DHHS) components, as appropriate.

Section IV-C-3-e. Collaborating with Principal Investigators, Institutional Biosafety Committees, Institutional Review Boards, and other DHHS components (including the FDA and Office for Protection from Research Risks); to ensure human gene transfer experiment registration compliance in accordance with Appendix M-I, Submission Requirements, Human Gene Transfer Experiments of the NIH Guidelines.

Section IV-C-3-f. Administering Gene Therapy Policy Conferences as deemed appropriate by the NIH Director.

Section IV-C-3-g. Reviewing and approving experiments in conjunction with *ad hoc* experts involving the cloning of genes encoding for toxin molecules that are lethal for vertebrates at an LD₅₀ of less than or equal to 100 nanograms per kilogram body weight in organisms other than *Escherichia coli* K-12 (see Section III-B-1, Experiments Involving the Cloning of Toxin Molecules with LD₅₀ of Less than 100 Nanograms Per Kilogram Body Weight, Appendix F-I, Containment Conditions for Cloning of Genes Coding for the Biosynthesis of Molecules Toxic for Vertebrates—General Information, and Appendix F-II, Cloning of Toxin Molecules Genes in *Escherichia coli* K-12);

Section IV-C-3-h. Serving as the executive secretary of the RAC;

Section IV-C-3-i. Publishing in the Federal Register:

Section IV-C-3-i(1). Announcements of RAC meetings and tentative agendas at least 15 days in advance (Note—If the agenda for a RAC meeting is modified, ORDA shall make the revised agenda available to anyone upon request in advance of the meeting);

Section IV-C-3-i(2). Announcements of Gene Therapy Policy Conferences and tentative agendas at least 15 days in advance;

Section IV-C-3-i(3). Proposed Major Actions (see Section IV-C-1-b-(1), Major Actions) at least 15 days prior to the RAC meeting; and

Section IV-C-3-j. Reviewing and approving the membership of an institution's Institutional Biosafety Committee, and where it finds the Institutional Biosafety Committee meets the requirements set forth in Section IV-B-2, Institutional Biosafety Committee (IBC), giving its approval to the Institutional Biosafety Committee membership.

Section IV-C-4. Other NIH Components

Other NIH components shall be responsible for certifying maximum containment (BL4) facilities, inspecting them periodically, and inspecting other recombinant DNA facilities as deemed necessary.

Section IV-D. Voluntary Compliance

Section IV-D-1. Basic Policy—Voluntary Compliance

Individuals, corporations, and institutions not otherwise covered by the NIH Guidelines are encouraged to follow the standards and procedures set forth in Sections I through IV. In order to simplify discussion, references hereafter to 'institutions' are intended to encompass corporations and individuals who have no organizational affiliation. For purposes of complying with the NIH Guidelines, an individual intending to carry out research involving recombinant DNA is encouraged to affiliate with an institution that has an Institutional Biosafety Committee approved under the NIH Guidelines.

Since commercial organizations have special concerns, such as protection of proprietary data, some modifications and explanations of the procedures are provided in Sections IV-E-2 through IV-E-5-b, Voluntary Compliance, in order to address these concerns.

Section IV-D-2. Institutional Biosafety Committee Approval—Voluntary Compliance

It should be emphasized that employment of an Institutional Biosafety Committee member solely for purposes of membership on the Institutional Biosafety Committee does not itself make the member an institutionally affiliated member. Except for the unaffiliated members, a member of an Institutional Biosafety Committee for an institution not otherwise covered by the NIH Guidelines may participate in the review and approval of a project

in which the member has a direct financial interest so long as the member has not been, and does not expect to be, engaged in the project. Section IV-B-2-a-(4), Institutional Biosafety Committee, is modified to that extent for purposes of these institutions.

Section IV-D-3. Certification of Host-Vector Systems—Voluntary Compliance

A host-vector system may be proposed for certification by the NIH Director in accordance with the procedures set forth in Appendix I-II, Certification of Host-Vector Systems. In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section IV-D, Voluntary Compliance, will be issued only after consultation with the institution as to the content of the notice.

Section IV-D-4. Requests for Exemptions and Approvals—Voluntary Compliance

Requests for exemptions or other approvals as required by the NIH Guidelines should be submitted based on the procedures set forth in Sections I through IV. In order to ensure protection for proprietary data, any public notice regarding a request for an exemption or other approval which is designated by the institution as proprietary under Section IV-E-5-a, Voluntary Compliance, will be issued only after consultation with the institution as to the content of the notice.

Section IV-D-5. Protection of Proprietary Data—Voluntary Compliance

Section IV-D-5-a. General

In general, the Freedom of Information Act requires Federal agencies to make their records available to the public upon request. However, this requirement does not apply to, among other things, "trade secrets and commercial or financial information that is obtained from a person and that is privileged or confidential." Under 18 U.S.C. 1905, it is a criminal offense for an officer or employee of the U.S. or any Federal department or agency to publish, divulge, disclose, or make known "in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information

concerns or relates to the trade secrets, (or) processes * * * of any person, firm, partnership, corporation, or association." This provision applies to all employees of the Federal Government, including special Government employees. Members of the RAC are "special Government employees."

In submitting to NIH for purposes of voluntary compliance with the NIH Guidelines, an institution may designate those items of information which the institution believes constitute trade secrets, privileged, confidential, commercial, or financial information. If NIH receives a request under the Freedom of Information Act for information so designated, NIH will promptly contact the institution to secure its views as to whether the information (or some portion) should be released. If the NIH decides to release this information (or some portion) in response to a Freedom of Information request or otherwise, the institution will be advised and the actual release will be delayed in accordance with 45 Code of Federal Regulations, section 5.65 (d) and (e).

Section IV-D-5-b. Presubmission Review

Any institution not otherwise covered by the NIH Guidelines, which is considering submission of data or information voluntarily to NIH, may request presubmission review of the records involved to determine if NIH will make all or part of the records available upon request under the Freedom of Information Act.

A request for presubmission review should be submitted to NIH/ORDA along with the records involved to the Office of Recombinant DNA Activities, National Institutes of Health/MS-7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838. These records shall be clearly marked as being the property of the institution on loan to NIH solely for the purpose of making a determination under the Freedom of Information Act. NIH/ORDA will seek a determination from the responsible official under DHHS regulations (45 Code of Federal Regulations, Part 5) as to whether the records involved, (or some portion) will be made available to members of the public under the Freedom of Information Act. Pending such a determination, the records will be kept separate from NIH/ORDA files, will be considered records of the institution and not NIH/ORDA, and will not be received as part of NIH/ORDA files. No copies will be made of such records.

NIH/ORDA will inform the institution of the DHHS Freedom of Information Officer's determination and follow the institution's instructions as to whether some or all of the records involved are to be returned to the institution or to become a part of NIH/ORDA files. If the institution instructs NIH/ORDA to return the records, no copies or summaries of the records will be made or retained by DHHS, NIH, or ORDA. The DHHS Freedom of Information Officer's determination will represent that official's judgment at the time of the determination as to whether the records involved (or some portion) would be exempt from disclosure under the Freedom of Information Act if at the time of the determination the records were in NIH/ORDA files and a request was received for such files under the Freedom of Information Act.

V-E. Proposed Amendments to Appendix A, Exemptions Under Section III-E-5—Sublists of Natural Exchanges

Appendix A, first paragraph, is proposed to be amended to reflect renumbering of a previous section.

IV-F. Proposed Amendments to Appendix C, Exemptions Under Section III-E-6

Appendix C is proposed to be amended to reflect renumbering of a previous section.

IV-G. Proposed Amendments to Appendix I, Biological Containment

After the first paragraph in Section I-II-A, Responsibility, the following Note is proposed to be added:

Note. A host-vector system may be proposed for certification by the NIH Director in accordance with the procedures set forth in Appendix I-II, Certification of Host-Vector Systems. In order to ensure protection for proprietary data, any public notice regarding a host-vector system which is designated by the institution as proprietary under Section IV-D, Voluntary Compliance, will be issued only after consultation with the institution as to the content of the notice (see Section IV-D-3, Certification of Host-Vector Systems—Voluntary Compliance).

III-H. Proposed Amendments to Appendix M, Points to Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects

Appendix M is proposed to be amended to read:

Appendix M. The Points To Consider in the Design and Submission of Protocols for the Transfer of Recombinant DNA Molecules into One or More Human Subjects (Points To Consider)

Appendix M applies to research conducted at or sponsored by an institution that receives any support for recombinant DNA research from the NIH. Researchers not covered by the NIH Guidelines are encouraged to use Appendix M (see Section I-C, General Applicability).

The acceptability of human somatic cell gene therapy has been addressed in several public documents as well as in numerous academic studies. In November 1982, the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research published a report, *Splicing Life*, which resulted from a two-year process of public deliberation and hearings. Upon release of that report, a U.S. House of Representatives subcommittee held three days of public hearings with witnesses from a wide range of fields from the biomedical and social sciences to theology, philosophy, and law. In December 1984, the Office of Technology Assessment released a background paper, *Human Gene Therapy*, which concluded: civic, religious, scientific, and medical groups have all accepted, in principle, the appropriateness of gene therapy of somatic cells in humans for specific genetic diseases. Somatic cell gene therapy is seen as an extension of present methods of therapy that might be preferable to other technologies. In light of this public support, the Recombinant DNA Advisory Committee (RAC) is prepared to consider proposals for somatic cell gene transfer.

The RAC will not at present entertain proposals for germ line alterations but will consider proposals involving somatic cell gene transfer. The purpose of somatic cell gene therapy is to treat an individual patient, e.g., by inserting a properly functioning gene into the subject's somatic cells. Germ line alteration involves a specific attempt to introduce genetic changes into the germ (reproductive) cells of an individual, with the aim of changing the set of genes passed on to the individual's offspring.

In the interest of maximizing the resources of both the NIH and the Food and Drug Administration (FDA) and simplifying the method and period for review, research proposals involving the deliberate transfer of recombinant DNA or DNA or RNA derived from recombinant DNA into human subjects

(human gene transfer) will be considered through a consolidated review process involving both the NIH/ORDA and the FDA. Investigators shall simultaneously submit their relevant information on the proposed human gene transfer experiments to both the NIH/ORDA and the FDA. Submission of human gene transfer protocols to the NIH will be in the format described in Appendix M-I, Submission Requirements—Human Gene Transfer Experiments, of the NIH Guidelines. Submission to NIH shall be for registration purposes and will ensure continued public access to relevant human gene transfer information conducted in compliance with the NIH Guidelines. Submission of human gene transfer protocols to the FDA will be in the format described in 21 CFR, Chapter I, Subchapter D, Part 312, Subpart B, Section 23, IND Content and Format.

Factors that may contribute to public discussion of a human gene transfer experiment by the RAC include: (i) New vectors/new gene delivery systems, (ii) new diseases, (iii) unique applications of gene transfer, and (iv) other issues considered to require further public discussion. Among the experiments that may be considered exempt from RAC discussion are those determined not to represent possible risk to human health or the environment. Full RAC review of an individual human gene transfer experiment can be initiated by the NIH Director or recommended to the NIH Director by: (i) three or more RAC members, or (ii) other Federal agencies. An individual human gene transfer experiment that is recommended for full RAC review should represent novel characteristics deserving of public discussion. If the Director, NIH, determines that an experiment will undergo full RAC discussion, NIH/ORDA will immediately notify the Principal Investigator. RAC members may forward individual requests for additional information relevant to a specific protocol through NIH/ORDA to the Principal Investigator. In making a determination whether an experiment is novel, and thus deserving of full RAC discussion, reviewers will examine the scientific rationale, scientific context (relative to other proposals reviewed by the RAC), whether the preliminary *in vitro* and *in vivo* data were obtained in appropriate models and are sufficient, and whether questions related to safety, efficacy, and social/ethical context have been resolved. RAC recommendations on a specific human gene transfer experiment shall be forwarded to the NIH Director, the Principal Investigator, the sponsoring institution, and other

Department of Health and Human Services (DHHS) components, as appropriate. Relevant documentation will be included in the material for the RAC meeting at which the experiment is scheduled to be discussed. RAC meetings will be open to the public except where trade secrets and proprietary information are reviewed (see Section IV-D-5, Protection of Proprietary Data). The RAC prefers that information provided in response to Appendix M contain no proprietary data or trade secrets, enabling all aspects of the review to be open to the public.

Note: Any application submitted to NIH/ORDA should not be designated as "confidential" in its entirety. In the event that a sponsor determines that specific responses to one or more of the items described in Appendix M should be considered as proprietary or trade secret, each item should be clearly identified as such. The cover letter (attached to the submitted material) should: (1) Clearly indicate that select portions of the application contain information considered as proprietary or trade secret, (2) a brief explanation as to the reason that each of these items is determined proprietary or trade secret.

Public discussion of human gene transfer experiments (and access to relevant information) shall serve to inform the public about the technical aspects of the proposals, the meaning and significance of the research, significant safety issues, and ethical/societal implications of the research. RAC discussion is intended to ensure safe and ethical conduct of gene therapy experiments and facilitate public understanding of this novel area of biomedical research.

RAC recommendations on a specific human gene transfer experiment shall be forwarded to the NIH Director, the Principal Investigator, the sponsoring institution, and other Department of Health and Human Services (DHHS) components, as appropriate. In its evaluation of human gene transfer proposals, the RAC will consider whether the design of such experiments offers adequate assurance that their consequences will not go beyond their purpose, which is the same as the traditional purpose of clinical investigation, namely, to protect the health and well being of human subjects being treated while at the same time gathering generalizable knowledge. Two possible undesirable consequences of the transfer of recombinant DNA would be unintentional: (i) Vertical transmission of genetic changes from an individual to his/her offspring, or (ii) horizontal transmission of viral infection to other persons with whom

the individual comes in contact. Accordingly, Appendices M-I through M-V request information that will enable the RAC, NIH/ORDA, and the FDA, to assess the possibility that the proposed experiment(s) will inadvertently affect reproductive cells or lead to infection of other people (e.g., medical personnel or relatives).

In order to enhance the depth and value of public discussion relevant to scientific, safety, and ethical/societal implications of gene therapy research, the NIH Director will convene GTPC at regular intervals. As appropriate, the NIH Director will convene GTPC immediately following scheduled RAC meetings. GTPC will be administered by the NIH/ORDA. Conference participation will not involve a standing committee membership but rather will offer the unique advantage of assembling numerous participants who possess significant scientific, ethical, and legal expertise and/or interest that is directly applicable to a specific gene therapy research issue. At least one member of the RAC will serve as Co-chair of each GTPC and report the findings of the GTPC to the full committee at its next scheduled meeting. The RAC representative for each GTPC will be chosen based on the participant's area of expertise relative to the specific gene therapy research issue to be discussed. GTPC will have representation from other Federal agencies, including the FDA. GTPCs will focus on broad over-arching policy and scientific issues related to gene therapy research. Proposals for GTPC topics may be submitted by members of the RAC, representatives of academia, industry, patient and consumer advocacy organizations, other Federal agencies, professional scientific societies, and the general public. GTPC topics will not be limited to discussion of human applications of gene therapy research, i.e., they may include basic research on the use of novel gene delivery vehicles, or novel applications of gene transfer. The findings of the GTPC will be transmitted to the NIH Director and will be made publicly available. The NIH Director anticipates that this public policy forum will serve as a model for interagency communication and collaboration, concentrated expert discussion of novel scientific issues and their potential societal implications, and enhanced opportunity for public discussion of specific issues and potential impact of such applications on human health and the environment.

Appendix M will be considered for revisions as experience in evaluating proposals accumulates and as new

scientific developments occur. This review will be carried out periodically as needed.

Appendix M-I. Submission Requirements—Human Gene Transfer Experiments

Investigators must submit the following material to the Office of Recombinant DNA Activities, National Institutes of Health/MSK 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838 (see exemption in Appendix M-VIII-A, Footnotes of Appendix M). Proposals to the NIH will be submitted in the following order: (1) Scientific abstract; (2) non-technical abstract; (3) Institutional Biosafety Committee and Institutional Review Board approvals and their deliberations pertaining to your protocol; (4) Responses to Appendix M-II through M-V, Description of the Proposal, Informed Consent, Privacy and Confidentiality, and Special Issues; (5) clinical protocol (as approved by the local Institutional Biosafety Committee and Institutional Review Board); (6) Informed Consent document—approved by the Institutional Review Board (see Appendix M-III, Informed Consent); (7) appendices (including tables, figures, and manuscripts); (8) curricula vitae—2 pages for each key professional person in biographical sketch format; and (9) two 3½-inch diskettes with the complete vector nucleotide sequence in ASCII format. Investigators must submit their human gene transfer protocols to the FDA in the format described in 21 CFR, Chapter I, Subchapter D, Part 312, Subpart B, Section 23, IND Content and Format. Submissions should be sent to the Division of Congressional and Public Affairs, Document Control Center, HFM-99, Center for Biologics Evaluation and Research, 1401 Rockville Pike, Rockville, Maryland 20852-1448.

Appendix M-II. Description of the Proposal

[This section remains unchanged.]

Appendix M-III. Informed Consent

[This section remains unchanged.]

Appendix M-IV. Privacy and Confidentiality

[This section remains unchanged.]

Appendix M-V. Special Issues

[This section remains unchanged.]

Appendix M-VI. RAC Review—Human Gene Transfer Experiments

In order to maintain public access to information regarding human gene

transfer protocols, NIH/ORDA will maintain the documentation described in Appendices M-I through M-V (including protocols that are not reviewed by the RAC). The RAC prefers that information provided in response to Appendix M, Points to Consider, contain no proprietary data or trade secrets, enabling all aspects of the discussion to be open to the public.

Appendix M-VI-A. RAC Members' Written Comments

Following receipt by NIH/ORDA, summary information on each human gene transfer protocol will be forwarded to RAC members. Each RAC member shall notify NIH/ORDA within 15 working days regarding the necessity for full RAC discussion. Full RAC review of an individual human gene transfer experiment can be initiated by the NIH Director or recommended to the NIH Director by: (i) Three or more RAC members, or (ii) other Federal agencies. An individual human gene transfer experiment that is recommended for full RAC review should represent novel characteristics deserving of public discussion. If the Director, NIH, determines that an experiment will undergo full RAC discussion, NIH/ORDA will immediately notify the Principal Investigator. RAC members may forward individual requests for additional information relevant to a specific protocol through NIH/ORDA to the Principal Investigator. In making a determination whether an experiment is novel, and thus deserving of full RAC discussion, reviewers will examine the scientific rationale, scientific context (relative to other proposals reviewed by the RAC), whether the preliminary *in vitro* and *in vivo* data were obtained in appropriate models and are sufficient, and whether questions related to safety, efficacy, and social/ethical context have been resolved. RAC recommendations on a specific human gene transfer experiment shall be forwarded to the NIH Director, the Principal Investigator, the sponsoring institution, and other Department of Health and Human Services (DHHS) components, as appropriate.

Appendix M-VII. Reporting Requirements—Human Gene Transfer Protocols

Appendix M-VII-A. Annual Data Reporting

Investigators shall comply with the annual data reporting requirements. Annual Data Report forms will be forwarded by NIH/ORDA to investigators. Data submitted in these reports will be evaluated by the RAC

and NIH/ORDA, and reviewed at a future RAC meeting.

Appendix M-VII-B. Adverse Event Reporting

Investigators who have received approval from the FDA to initiate a human gene transfer protocol must report any serious adverse event immediately to the local Institutional Review Board, Institutional Biosafety Committee, Office for Protection from Research Risks (if applicable), NIH/ORDA, and FDA, followed by the submission of a written report filed with each group. Reports submitted to NIH/ORDA shall be sent to the Office of Recombinant DNA Activities, National Institutes of Health/MSK 7010, 6000 Executive Boulevard, Suite 302, Bethesda, Maryland 20892-7010, (301) 496-9838.

Appendix M-VIII. Footnotes of Appendix M

Appendix M-VIII-A. Human studies in which the induction or enhancement of an immune response to a vector-encoded microbial immunogen is the major goal, such an immune response has been demonstrated in model systems, and the persistence of the vector-encoded immunogen is not expected, are exempt from Appendix M-I, Submission Requirements, and Appendix M-VIII, Reporting Requirements—Human Gene Transfer Experiments."

IV. Addition to Appendix D of the NIH Guidelines Regarding a Human Gene Transfer Protocol/Dr. Crystal

In a letter dated January 8, 1997, Dr. Ronald Crystal of New York-Hospital-Cornell Medical Center, New York, New York, submitted a human gene transfer protocol entitled: Immune Response to Intradermal Administration of an Adenovirus Type 5 Gene Transfer Vector (ADGVCD.10) in Normal Individuals (NIH Protocol #9701-171) to the RAC for evaluation regarding the necessity for RAC review and approval.

V. Amendments to Appendix B of the NIH Guidelines Regarding Classification of Human Etiologic Agents on the Basis of Hazard

In a letter dated January 21, 1997, Dr. Diane Fleming, Chair of the Subcommittee on Laboratory Safety, American Society for Microbiology, Washington, D.C., requested the following addition of certain select agents not previously listed. The letter reads:

* * * Select agents were identified by the Centers for Disease Control and Prevention as being subject to special

site registration and handling requirements under 42 CFR Part 72. Only three of the special agents are not listed in Appendix B, but they could now be added as follows:

Appendix B-III-D. Risk Group 3 viruses. Add

Arenaviruses: Flexal

Justification: Flexal is already covered by 'other viruses listed in the reference source' but now that it is on the list of select agents, it should be listed here as well.

Appendix B-IV-D. Risk Group 4 viruses. Add

Arenaviruses: Sabia

Paramyxoviruses: Equine morbilli virus

Justification: As Chairman of the Subcommittee on Arboviral Laboratory Safety (SALS), Dr. Michael P. Kiley told me that both Sabia and equine morbilli virus are to be handled under Biosafety Level 4 containment. (Dr. Michael P. Kiley, of the Federal Laboratories for Health Canada and Agriculture and Agri-Food, Winnipeg, Manitoba, Canada, January 21, 1997, personal communication regarding the

classification of Sabia and equine morbilli virus).

* * * Recommendations for corrections and changes to errors in Appendix B which may not require RAC review:

* * * Appendix B-II-A, pg 1487

Acinetobacter baumannii formerly *Acinetobacter calcoaceticus* var *anitratu*s is known as the *Acinetobacter calcoaceticus*-*baumannii* complex. We can add var. *anitratu*s to the *A. calcoaceticus*.

* * * Appendix II-B-IV-D. Remove erroneous reference to Togaviruses, Group A now associated with the Arenaviruses.

* * * * *

OMB's "Mandatory Information Requirements for Federal Assistance Program Announcements" (45 FR 39592) requires a statement concerning the official government programs contained in the Catalog of Federal Domestic Assistance. Normally NIH lists in its announcements the number and title of affected individual programs for the guidance of the public. Because the guidance in this notice covers not only

virtually every NIH program but also essentially every Federal research program in which DNA recombinant molecule techniques could be used, it has been determined to be not cost effective or in the public interest to attempt to list these programs. Such a list would likely require several additional pages. In addition, NIH could not be certain that every Federal program would be included as many Federal agencies, as well as private organizations, both national and international, have elected to follow the NIH Guidelines. In lieu of the individual program listing, NIH invites readers to direct questions to the information address above about whether individual programs listed in the Catalog of Federal Domestic Assistance are affected.

Dated: February 10, 1997.

Lana Skirboll,

Associate Director for Science Policy,
National Institutes of Health

[FR Doc. 97-3735 Filed 2-13-97; 8:45 am]

BILLING CODE 4140-01-P

Federal Register

Friday
February 14, 1997

Part IV

Department of Commerce

International Trade Administration

**Commerce Trade Fair Privatization:
Private Sector Organization and
Management of U.S. Exhibitor Pavilions
at Overseas Trade Fairs; Notice**

DEPARTMENT OF COMMERCE**International Trade Administration**

[Docket No. 960306059-7012.02]

RIN 0625-ZA01

Commerce Trade Fair Privatization: Private Sector Organization and Management of U.S. Exhibitor Pavilions at Overseas Trade Fairs**AGENCY:** International Trade Administration, Commerce.**ACTION:** Notice of privatization and request for applications from qualified U.S. firms.

SUMMARY: This notice sets forth a summary of the objectives and procedures for qualified U.S. firms to apply for and assume responsibility for recruiting, promoting, organizing, constructing, and managing a U.S. exhibitor pavilion at various FY 1998 international trade shows previously organized and managed by Commerce. In this context and throughout this notice, this transfer of responsibilities is referred to as "privatization." In order to apply, interested firms must contact Commerce for a complete set of eligibility criteria, instructions, and an application.

DATES: These administrative procedures are effective on February 14, 1997. Applications must be received by Commerce by March 31, 1997.

ADDRESS: Trade Fair Certification Program, Room 2116, Export Promotion Services, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

FOR FURTHER INFORMATION, CONTACT: Donald Huber, Manager, Trade Fair Certification Program, U.S. Department of Commerce, Room 2116, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. Tel: (202) 482-2525; Fax: (202) 482-0115. Applicants may also want to contact the U.S. Department of Commerce industry officer, the Commercial Section of the U.S. Embassy in the respective country that has previously organized and managed the U.S. pavilion, and/or the trade fair proprietor about actual show dates, event specifics and logistics.

SUPPLEMENTARY INFORMATION: As part of its focus to increase exports, the National Export Strategy, dated September 30, 1993, calls for the Administration to reduce the number of trade events the U.S. Government (USG) organizes, encourage more private sector participation in the trade event process, and invite qualified private sector firms

to bid for those events they desire to handle. While this strategy refers to all USG-organized events, this notice is concerned only with the privatization of the International Trade Administration events listed in this notice. Private sector organizers in this privatization process assume the responsibilities of organizing and managing a U.S. pavilion in designated overseas trade fairs, in lieu of Commerce. As part of this privatization process, those firms selected to organize, recruit, and manage a show listed in this notice will also receive, on a one-time basis, certification for the show under the Trade Fair Certification Program. Subsequent certification must be applied for on an annual basis and will be open to any organizer. Certification assures Commerce's recognition and support of these private sector efforts.

Commerce does not provide any financial assistance to organizers or to exhibitors at these shows. As with the existing Trade Fair Certification Program, the selected organizer contributes \$1,500 to assist in defraying Commerce expenses incurred in supporting the organizer and exhibitors.

Organizers selected by Commerce are not representatives of the Department or the U.S. Government and are prohibited from making statements to that effect.

Principal requirements and criteria of the privatization process are summarized below:

- The applicant must be a U.S. person. A "U.S. person" means a U.S. citizen, or an entity (such as a corporation, partnership, association or other entity) created under the laws of the United States or of any state, or the U.S. branch or agent of a foreign person. An officer of an American Chamber of Commerce, located in the country, is eligible to submit an application. Such an applicant must meet the same criteria and perform the same requirements as a U.S. person. Applications will not be accepted from other foreign-based persons or entities.

- Formation of a U.S. pavilion is required.

- In order to qualify, all applications must be received by March 31, 1997.

- The selected U.S. pavilion organizer must offer U.S. firms that participated in the last show, space in the upcoming show that is at least equivalent in size, quality, and location.

- Production of a catalog of U.S. exhibitors is required.

- The selected pavilion organizer must recruit a minimum number of exhibitors. This number will vary according to the specific event.

- Selected organizers must undertake a comprehensive U.S. exhibitor

recruitment campaign, including measures to target and recruit small, medium size, and new-to-market firms.

- Selected organizers are required to send a representative to the show for its duration and staff an office or booth within the show.

- Trade association applicants cannot restrict their U.S. exhibitor recruitment campaign or exhibitor participation to association members only. Such applicants must acknowledge and agree to this condition.

- Commerce cannot guarantee that the foreign trade fair proprietor will agree to privatization of the U.S. pavilion in the subject event. Commerce will assist the selected U.S. pavilion organizer in its discussions with the foreign event proprietor, but it is the foreign event proprietor's decision to grant the necessary lease for exhibit space.

- Within 60 days from the date of being notified of selection, the U.S. pavilion organizer must submit the necessary lease documentation.

- Pavilion organizers should note that the foreign event proprietor may opt to select its own agent in advance of Commerce's selection of a U.S. pavilion organizer. In such cases, Commerce will continue to offer its support to the U.S. pavilion organizer and event, but via the standard Trade Fair Certification Program, as prescribed in the Federal Register notice dated April 30, 1993, 58 FR 26116.

- Prior to selection of the U.S. pavilion organizer, Commerce reserves the right to withdraw an event from the privatization process if circumstances warrant Commerce's retention of the event. Also, following selection of the U.S. pavilion organizer, Commerce may withdraw its support of the U.S. pavilion organizer if Commerce determines that the U.S. pavilion organizer has not complied with the provisions outlined in this notice or in the application materials and process. Commerce also retains the option to directly organize and manage a pavilion of exhibitors under these circumstances.

- While the foreign event proprietor will be encouraged to offer the selected U.S. pavilion organizer leased space under the same conditions and rates that would be offered to Commerce, Commerce cannot guarantee this will be the case.

Commerce seeks applications from qualified firms, associations, or the local American Chamber of Commerce abroad to assume U.S. pavilion recruitment, promotion, organization and management functions in the following shows. Show name, minimum number of exhibitors to be recruited, location,

month/year and basic industry(s) are shown below. In order to apply, interested firms must contact Commerce for a complete set of eligibility criteria, instructions, and an application.

Applications must be received by Commerce by March 31, 1997. The collection of information is approved by the Office of Management and Budget, OMB Control Number 0625-0222.

Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

SHOWS FOR PRIVATIZATION IN FY 1998 AND 1ST QTR FY 1999

Event name	Min exb.	Location	Date	Industries
1. Bucharest Int'l Fair	25	Bucharest, Romania	Oct. 97	Indust eqpmt/consumer goods.
2. Comdex/Pacific Rim	10	Vancouver, Canada	Jan. 98	Computers/periph/services.
3. Canadian Hrdwr/Hswr/Home	10	Toronto, Canada	Feb. 98	Consumer goods.
4. Wisitex '98 #	20	New Delhi, India	Feb. 98	Procs cntrls/telcom/electronic.
5. Visit USA	20	Sao Paulo, Brazil	Mar. 98	Tourism products/services.
6. Canadian Int'l Auto Show #	10	Toronto, Canada	Apr. 98	Parts/accessories/rpr eqpmt.
7. Forest Expo '98	10	Pr. George, Canada	May 98	Log&mill eqpmt/pulp/mgmt.
8. Expomin 98	200	Santiago, Chile	May 98	Mining/extraction eqpmt.
9. Plastex '98	10	Toronto, Canada	May 98	Plastic machs/molds/tech.
10. National Petroleum Show	15	Calgary, Canada	Jun. 98	Oil&gas eqpmt/services.
11. Zagreb Fall Fair	10	Zagreb, Croatia	Sep. 98	consumr good/indust mach.
12. Canadian High Technology	10	Toronto, Canada	Sep. 98	Electron compnts/test eqpmt.
13. Euronaval	20	Paris, France *	Oct. 98	Defense industry.
14. Pollutec	15	Lyon, France *	Oct. 98	Pollution control eqpmt.
15. Jeddah Motor Show	10	Jeddah, SA *	Nov. 98	Vehicles/parts/repr eqpmt.
16. Construct Canada	10	Toronto, Canada *	Dec. 98	Const eqpmt/matrls/services.
17. Aero India '98	15	Bangalore, India *	Dec. 98	Aircraft industry.

Biennial Show.
FY 1999 Show.

Dated: February 7, 1997.

Mary Fran Kirchner,

Chairman, ITA Trade Events Board.

[FR Doc. 97-3734 Filed 2-13-97; 8:45 am]

BILLING CODE 3510-FP-P

Executive Order

Friday
February 14, 1997

Part V

The President

Executive Order 13035—Advisory
Committee on High-Performance
Computing and Communications,
Information Technology, and the Next
Generation Internet

Presidential Documents

Title 3—

Executive Order 13035 of February 11, 1997

The President

Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the High-Performance Computing Act of 1991 (Public Law 102-194) (“Act”), and in order to establish an advisory committee on high-performance computing and communications, Information Technology, and the Next Generation Internet, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the “Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet” (“Committee”). The Committee shall consist of not more than 25 nonfederal members appointed by the President, including representatives of the research, education, and library communities, network providers, and representatives from critical industries. The President shall designate co-chairs from among the members of the Committee.

Sec. 2. *Functions.* The Committee shall provide the National Science and Technology Council (NSTC), through the Director of the Office of Science and Technology Policy (“Director”), with advice and information on high-performance computing and communications, information technology, and the Next Generation Internet. The Committee shall provide an independent assessment of:

- (1) progress made in implementing the High-Performance Computing and Communications (HPCC) Program;
- (2) progress in designing and implementing the Next Generation Internet initiative;
- (3) the need to revise the HPCC Program;
- (4) balance among components of the HPCC Program;
- (5) whether the research and development undertaken pursuant to the HPCC Program is helping to maintain United States leadership in advanced computing and communications technologies and their applications; and
- (6) other issues as specified by the Director.

Sec. 3. *Administration.* To the extent permitted by law and subject to the availability of appropriations, the Department of Defense shall provide the financial and administrative support for the Committee. Further, the Director of the National Coordination Office for Computing Information, and Communications (“Director of the NCO”) shall provide such coordination and technical assistance to the Committee as the co-chairs of the Committee may request.

(a) The heads of executive agencies shall, to the extent permitted by law, provide to the Committee such information as it may require for the purpose of carrying out its functions.

(b) The co-chairs may, from time to time, invite experts to submit information to the Committee and may form subcommittees or working groups within the Committee to review specific issues.

(c) Members of the Committee shall serve without compensation but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).

Sec. 4. *General.* (a) Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, that are applicable to the Committee shall be performed by the Director of the NCO in accordance with guidelines that have been issued by the Administrator of General Services.

(b) The Committee shall terminate 2 years from the date of this order unless extended by the President prior to such date.



THE WHITE HOUSE,
February 11, 1997.

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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