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Friday
March 21, 1997

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Reader Aids
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CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
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Presidential Documents

Title 3—

The President

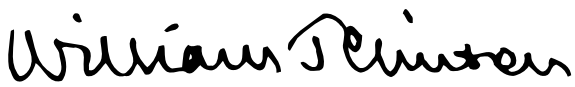
Presidential Determination No. 97–19 of March 11, 1997

Eligibility of NIS Countries: Georgia, Kazakstan, Kyrgyzstan, Moldova, Russia, Turkmenistan, Ukraine, and Uzbekistan To Be Furnished Defense Articles and Services Under the Foreign Assistance Act and the Arms Export Control Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me by section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, I hereby find that the furnishing of defense articles and services to the Governments of Georgia, Kazakstan, Kyrgyzstan, Moldova, Turkmenistan, Russia, Ukraine, and Uzbekistan will strengthen the security of the United States and promote world peace.

You are authorized and directed to report this finding to the Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 11, 1997.

[FR Doc. 97–7385
Filed 3–20–97; 8:45 am]
Billing code 4710–10–P

Rules and Regulations

Federal Register
Vol. 62, No. 55
Friday, March 21, 1997

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1215

[FV–96–709FR]

Popcorn Promotion, Research, and Consumer Information Order; Referendum Procedures

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to provide procedures which the Department of Agriculture (Department) will use in conducting the referendum to determine whether the issuance of the proposed Popcorn Promotion, Research, and Consumer Information Order is favored by a majority of the processors voting in the referendum and that the majority process more than 50 percent of the popcorn certified as being processed by those voting in the referendum.

DATES: This rule is effective from March 22, 1997, through August 31, 1997.

FOR FURTHER INFORMATION CONTACT: Stacey L. Bryson, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, Room 2535–S, P.O. Box 96456, Washington, D.C. 20090–6456. Telephone (888) 720–9917 or (202) 720–6930.

SUPPLEMENTARY INFORMATION: A referendum will be conducted among eligible popcorn processors to determine whether the issuance of the proposed Popcorn Promotion, Research, and Consumer Information Order (Order) (7 CFR part 1215) is favored by a majority of persons voting in the referendum. The Order is authorized under the Popcorn Promotion, Research and Consumer Information Act (Act) (Pub. L. 104–427, 7 U.S.C. 7481–7491).

Executive Order 12988

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This final rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. In accordance with § 580 of the Act, nothing in the popcorn statute preempts or supersedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 577 of the Act, a person subject to the Order may file a petition with the Secretary stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Agency has examined the impact of this rule on small entities. Accordingly, we have performed this Final Regulatory Flexibility Analysis.

The Act which authorized the creation of a generic program of promotion and research for popcorn became effective on April 4, 1996.

Section 576 of the Act provides that the Secretary shall conduct a referendum, within the 60-day period immediately preceding the effective date of the Order, to determine whether the issuance of the Order is favored by a majority of the processors voting in the referendum. Paragraph (2) of section 576 of the Act requires that the Order become effective only if favored by a majority of the processors voting in the referendum and if the majority processed more than 50 percent of the popcorn certified as having been processed during the representative period by the processors voting.

Small agricultural service firms, which would include processors who would be covered under the proposed Order, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5 million. The Department estimates that there are approximately 35 processors who would pay the assessments out of an industry of 67 processors in total. Almost 50 percent of the industry would be exempt from the program; those processors marketing 4 million pounds or less of popcorn annually would be exempt. Further, only 2 of the 35 eligible processors have been identified as small entities.

According to the Popcorn Institute, a trade association consisting of popcorn processors representing the industry, annual sales of popcorn were 77.240 million pounds less in 1994 than they were in 1993, when sales totaled approximately 1.156 billion pounds.

The peak period for popcorn sales for home consumption is the fall. Sales remain constant throughout the winter months and taper off during the spring and summer.

Almost all of the popcorn consumed throughout the world is grown in the United States, and Americans consume more popcorn than the citizens of any other country. Popcorn is grown in 19 states. According to the latest Census on Agriculture, the top five major popcorn-producing states in 1992 were, in descending order, Indiana (23 percent), Illinois (19 percent), Nebraska (18 percent), Ohio (10 percent), and Missouri (7 percent). This is the most recent official information on popcorn production released by the U.S. government.

U.S. exports of popcorn totaled nearly 290 million pounds in 1995, with a value of $64.7 million. According to the Snack Food Association, retail sales of popcorn in the United States totaled $1.469 billion in 1994.

This rule establishes the procedures under which eligible popcorn

processors may vote on whether they want the proposed popcorn promotion and research program to be implemented. The proposed Order is being published separately in this issue of the **Federal Register**.

The referendum procedures provide definitions of who is eligible to vote and instructions for referendum agents regarding subagents, publicity for the referendum and the results, ballots, voting, ballot handling and tabulation, reporting, and confidentiality of referendum materials. The representative period for establishing voter eligibility for the referendum will be determined by the Secretary in a separate referendum order published with the proposed order. Persons who have processed over 4 million pounds of popcorn for market during the representative period will be eligible to vote. There are an estimated 35 eligible processors of which only two have been identified as small entities. The referendum will be conducted by mail ballot.

The Department will keep all eligible processors of record informed throughout the referendum process to ensure awareness and participation. In addition, trade associations and related industry media will receive news releases and other information regarding the referendum process.

Voting in the referendum is optional. However, if processors choose to vote, the burden of voting would be offset by the benefits of having the opportunity to vote on whether they want the program.

It is estimated that there are 35 popcorn processors who will be eligible to vote in the referendum. It will take an average 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 2.9 hours.

The Department considered requiring eligible voters to vote in person at various Department offices across the country. However, conducting the referendum from one central location by mail ballot is more cost effective for this program. Also, the Department will provide easy access to information for potential voters through a toll free telephone line.

If the program is implemented, the estimated cost in providing the required information to the Board under the Order by the estimated 67 respondents would be $19.28 per respondent annually. This total has been estimated by multiplying 129.15 (total burden hours requested) by $10.00 per hour, a sum deemed to be reasonable if the respondents were compensated for their time.

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implements the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the referendum ballot, which represents the information collection and recordkeeping requirements that may be imposed by this rule, was approved by OMB on December 16, 1996.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0093.

Expiration Date of Approval: October 31, 1997.

Type of Request: Revision of a currently approved information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act.

The burden associated with the ballot is as follows:

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hours per response for each processor.

Respondents: Processors.

Estimated Number of Respondents: 35.

Estimated Number of Responses per Respondent: 1 every 3 years (.33).

Estimated Total Annual Burden on Respondents: 2.9 hours.

In the proposed rule published on September 30, 1996, comments were invited on: (a) Whether the proposed collection of information is necessary for the proper performance of functions of the Order and the Department's oversight of the program, including whether the information will have practical utility; (b) the accuracy of the AMS's estimate of the burden of the proposed collection of information including the validity of the methodology and assumption used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collections techniques or other forms of information technology.

By the November 29, 1996, deadline for comments on the information collections associated with the referendum rules, two comments were received, from the Popcorn Institute. In its comments, the Institute states that it agrees with the Department's estimate of the burdens associated with the ballot. The Institute also states that the ballot must contain the necessary information to determine whether each voter is an eligible processor pursuant to the referendum rules. The Department agrees with this. In fact, paragraph (a)(2) of § 1215.503 of the proposed rule requires the voters to provide the total volume of popcorn processed during the representative period. Further, all ballots will contain a certification by the voter that all information provided on the ballot is correct.

In addition, the Institute recommended that the Department develop and utilize procedures to verify the information collected by the anticipated 35 potential respondents. This issue is addressed below in the discussion of the Institute's comment on the referendum procedures.

The Institute further commented that the burden of voting could be reduced if the respondents were allowed to utilize electronic means of communicating their votes to the Department. The Institute states that, by using electronic procedures, the Department would not have to rely on conventional mail for the delivery of ballots. It could confirm the receipt of ballots confidentially and could more easily develop a list of voters which could be used for public inspection and potential challenges. Although the Department is receptive to the concept of utilizing new technological methods for casting votes in the future, we are not equipped to implement such a method and ensure confidentiality and the identification of each ballot's origin by electronic means at this time. Consequently, it is not possible to establish a procedure to utilize electronic methods during the initial referendum on this program. The Department believes that mail balloting is the most efficient and appropriate method for the upcoming referendum. Further, the popcorn industry will have access to the Agricultural Marketing Service's web site (http://www.usda.gov/ams/titlepag.htm), which will provide information about the proposed program and the referendum.

Background

The purpose of the Act is to provide an orderly procedure for developing and financing an effective and coordinated program of promotion, research, and consumer information to strengthen the markets for popcorn. The program would be funded by an assessment of no more than 8 cents per hundredweight levied on popcorn processors. Processors who process and market 4 million pounds or less of popcorn annually would be exempt from paying

the assessment. Assessments would be used to pay for: promotion, research, consumer information, and industry information; administration, maintenance, and functioning of the Popcorn Board which would operate the program under the Secretary's supervision; and expenses incurred by the Secretary in implementing and administering the program, including referendum costs.

This rule will add a new subpart which establishes procedures to be used in the initial referendum required by the Act. This subpart will be in effect for the referendum period only and will not be part of the Code of Federal Regulations. The proposed Order would go into effect only if the Secretary determines that the Order is approved by no less than a majority of the processors voting in the referendum and if the majority processed more than 50 percent of the popcorn certified as having been processed during the representative period by the processors voting.

The referendum procedures provide definitions of who is eligible to vote and instructions for referendum agents regarding subagents, publicity for the referendum and the results, ballots, voting, ballot handling and tabulation, reporting, and confidentiality of referendum materials. The representative period for establishing voter eligibility for the referendum shall be determined by the Secretary. Persons who have processed over 4 million pounds of popcorn for market during the representative period will be eligible to vote. There are an estimated 35 eligible processors. The referendum will be conducted by mail ballot.

A proposed rule on the Order was published in the September 30, 1996, issue of the **Federal Register** (61 FR 51046). On the same date, a proposed rule was published on the referendum procedures (61 FR 51055). As stated above, the comment period on the information collection requirements associated with this rule ended on November 29, 1996, and one comment was received on the information collection requirements. The comment period on the substance of the referendum procedures ended on October 30, 1996. One comment was also received, from the Popcorn Institute, on the procedures.

In its comment on the procedures, the Institute recommends that the representative period for determining voter eligibility be January 1 through December 31, 1996. This would be the most recent full calendar year preceding a referendum in 1997. The Institute states that this representative period will ensure that the information is readily available for respondents to include on the ballots. The Department accepts the suggested representative period. As is common practice, the representative period will be established in the referendum order which is being published with the proposed order. The referendum order also establishes the voting period and identifies the referendum agents. The proposed order and referendum order will be published separately in this issue of the **Federal Register**.

In its comment, the Institute also states that it is important that the rule ensure that those entities that are comprised of multi-ownership arrangements are entitled to only one vote; however, if two popcorn companies are owned by the same holding company and both processing companies will be paying assessments individually under the proposed program, both entities should be entitled to vote separately. However, the definition of ''person'' in paragraph (e) of § 1215.501 provides for these situations. Under the definition of ''person'' in the regulations those entities that are comprised of multi-ownership arrangements are entitled to only one vote. For example, a partnership which owns a processing facility would only receive one vote regardless of the number of partners participating in ownership. However, the definition also provides that two companies that pay assessments separately would be entitled to vote separately in the referendum.

Further, the Institute expresses the position that anyone who has reason to challenge a ballot should be allowed to do so.

To accomplish this, the Institute recommends that § 1215.505 be expanded to require the referendum agent to ''make available for public inspection for 10 days following the end of the referendum period a list of each person casting a vote in the referendum.''

The Department believes that voter eligibility can be satisfactorily determined without a challenge process. The referendum will be conducted by mail ballot. Ballots will be sent only to potential eligible voters. Due to the anticipated small number of voters, the referendum agents anticipate the ability to determine the eligibility of a majority of the voters in advance of the referendum. The referendum agents will also take steps to verify any questionable ballots as provided in § 1215.505, which has been slightly changed to clarify terminology. The term ''challenged'' has been changed to ''questioned.'' All ballot handling is done in the presence of an official from the Department's Office of the Inspector General (OIG), and the referendum agents or the OIG official may request documentation from any or all voters. We believe this course of action addresses the commenters concerns as well as allows for the timely tabulation of referendum results.

The Institute's final issue relates to the technical classification of an eligible processor as discussed in § 1215.501. There are several references to ''ownership of the popcorn process'' or ''ownership of all or a portion of the popcorn process.'' The Institute believes these references are confusing and recommends that they be changed to ''ownership of the popcorn processed'' or ''ownership of all or a portion of the popcorn processed.'' The Department has modified the proposed rule accordingly.

After consideration of all relevant material presented, it is found that this final rule effectuates 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) These procedures are the same as or similar to referendum procedures for other research and promotion programs; (2) it is estimated that there are no more than 35 eligible voters; (3) minimal preparation time is needed to conduct the referendum; (4) therefore, no useful purpose would be served in delaying the effective date for 30 days; and (5) this action better reflects the statutory provisions concerning issuance of an order.

List of Subjects in 7 CFR Part 1215

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Popcorn, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, Title 7, chapter XI of the Code of Federal Regulations is amended as follows:

1. Part 1215, consisting of subpart C, is added to read as follows:

PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ORDER

Subpart C—Procedure for the Conduct of Referenda in Connection With the Popcorn Promotion, Research, and Consumer Information Order

Sec.

Authority: 7 U.S.C. 7481–7491.

Subpart C—Procedure for the Conduct of Referenda in Connection With the Popcorn Promotion, Research, and Consumer Information Order

§ 1215.500 General.

A referendum to determine whether eligible processors favor the issuance of the Order shall be conducted in accordance with these procedures.

§ 1215.501 Definitions.

Unless otherwise defined below, the definitions of terms used in these procedures shall have the same meaning as the definitions in the Order.

(a) *Administrator* means the Administrator of the Agricultural Marketing Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated or may hereafter be delegated to act in the Administrator's stead.

(b) *Order* means the Popcorn Promotion, Research, and Consumer Information Order.

(c) *Referendum agent or subagent* means the individual or individuals designated by the Secretary to conduct the referendum.

(d) *Representative period* means the period designated by the Secretary.

(e) *Person* means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity. For the purpose of this definition, the term ''partnership'' includes, but is not limited to:

(1) A husband and wife who have title to, or leasehold interest in, processing facilities and equipment as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property, and

(2) So-called ''joint ventures'' wherein one or more parties to the agreement, informal or otherwise, contributed capital and others contributed labor, management, equipment, or other services, or any variation of such contributions by two or more parties so that it results in the processing of popcorn and the authority to transfer title to the popcorn so processed.

(f) *Eligible processor* means any person who processes over 4 million pounds of popcorn during the representative period and who:

(1) Owns or shares in the ownership of processing facilities and equipment resulting in the ownership of the popcorn processed;

(2) Rents processing facilities and equipment resulting in the ownership of all or a portion of the popcorn processed;

(3) Owns processing facilities and equipment but does not manage them and, as compensation, obtains the ownership of a portion of the popcorn processed; or

(4) Is a party in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn who share the risk of loss and receive a share of the popcorn processed. No other acquisition of legal title to popcorn shall be deemed to result in persons becoming eligible processors.

§ 1215.502 Voting.

(a) Each person who is an eligible processor as defined in this subpart, at the time of the referendum and during the representative period, shall be entitled to cast only one ballot in the referendum. However, each processor in a landlord-tenant relationship or a divided ownership arrangement involving totally independent entities cooperating only to process popcorn, in which more than one of the parties is a processor, shall be entitled to cast one ballot in the referendum covering only such processor's share of the ownership.

(b) Proxy voting is not authorized, but an officer or employee of an eligible corporate processor or an administrator, executor, or trustee of an eligible processing entity may cast a ballot on behalf of such processing entity. Any individual so voting in a referendum shall certify that such individual is an officer or employee of the eligible processor, or an administrator, executor, or trustee of an eligible processing entity, and that such individual has the authority to take such action. Upon request of the referendum agent, the individual shall submit adequate evidence of such authority.

(c) All ballots are to be cast by mail.

§ 1215.503 Instructions.

The referendum agent shall conduct the referendum, in the manner herein provided, under the supervision of the Administrator. The Administrator may prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedures to be followed by the referendum agent. Such agent shall:

(a) Prepare ballots and related material to be used in the referendum. Ballot material shall provide for recording essential information including that needed for ascertaining:

(1) Whether the person voting, or on whose behalf the vote is cast, is an eligible voter, and

(2) The total volume of popcorn processed by the voting processor during the representative period.

(b) Give reasonable advance public notice of the referendum by utilizing available media or public information sources, without incurring advertising expense, to publicize the dates, method of voting, eligibility requirements, and other pertinent information. Such sources of publicity may include, but are not limited to, print and radio and such other means as the agent may deem advisable.

(c) Mail to each eligible processor whose name and address is known to the agent, the instructions on voting and a ballot. No person who claims to be eligible to vote shall be refused a ballot.

(d) At the end of the voting period, collect, open, number, and review the ballots and tabulate the results in the presence of an agent of the Office of Inspector General.

(e) Prepare a report on the referendum.

(f) Announce the results to the public.

§ 1215.504 Subagents.

The referendum agent may appoint any individual or individuals deemed necessary or desirable to assist the agent in performing such agent's functions hereunder. Each individual so appointed may be authorized by the agent to perform any and all functions which, in the absence of such appointment, shall be performed by the agent.

§ 1215.505 Ballots.

The referendum agent and subagents shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be questioned for any reason, the agent or subagent shall endorse above their signature, on the ballot, a statement to the effect that such ballot was questioned, by whom questioned, the reasons therefore, the results of any investigations made with respect thereto, and the disposition thereof. Ballots invalid under this subpart shall not be counted.

§ 1215.506 Referendum report.

Except as otherwise directed, the referendum agent shall prepare and submit to the Administrator a report on results of the referendum, the manner in which it was conducted, the extent and kind of public notice given, and other information pertinent to analysis of the referendum and its results.

§ 1215.507 Confidential information.

The ballots and other information or reports that reveal, or tend to reveal, the vote of any processor in the referendum shall be held strictly confidential and shall not be disclosed.

Dated: March 18, 1997.

Robert C. Keeney,

Director, Fruit and Vegetable Division.

[FR Doc. 97–7293 Filed 3–20–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AWP–32]

Amendment of Class E Airspace; Battle Mountain, NV

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: .Final rule.

SUMMARY: This action amends the Class E airspace area at Battle Mountain, NV. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (RWY) 03 has made this action necessary. The intended effect of this action is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Battle Mountain Airport, Battle Mountain, NV.

EFFECTIVE DATE: 0901 UTC May 22, 1997.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

SUPPLEMENTARY INFORMATION:

History

On January 8, 1997, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) by amending the Class E airspace area at Battle Mountain, NV (62 FR 1073). This action will provide adequate controlled airspace to accommodate a GPS SIAP to RWY 03 at Battle Mountain Airport, Battle Mountain, NV.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. Class E airspace 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 designations listed in this document will be published subsequently in this Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulation (14 CFR part 71) amends the Class E airspace area at Battle Mountain, NV. The development of a GPS SIAP to RWY 03 has made this action necessary. The effect of this action will provide adequate airspace for aircraft executing the GPS RWY 03 SIAP at Battle Mountain Airport, Battle Mountain, NV.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendment 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 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 a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 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 area extending upward from 700 feet or more above the surface of the earth.

* * * * *

AWP AZ E5 Battle Mountain, NV [Revised]

Battle Mountain Airport, NV
(lat. 40°35′57″ N, long. 116°52′28″ W)
Battle Mountain VORTAC
(lat. 40°34′09″ N, long. 116°55′20″ W)

That airspace extending upward from 700 feet above the surface with a 4.3-mile radius of the Battle Mountain Airport and within 4.3 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° radial extending from the Battle Mountain VORTAC to 25 miles southwest of the VORTAC. That airspace extending upward from 1200 feet above the surface within 8.7 miles southeast and 11.7 miles northwest of the Battle Mountain VORTAC 218° and 038° radials extending from 25 miles southwest to 10.4 miles northeast of the Battle Mountain VORTAC 077° and 257° radials, extending from 7 miles west to 16.1 miles east of the Battle Mountain VORTAC.

* * * * *

Issued in Los Angeles, California, on February 28, 1997.

Michael Lammes,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–7225 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960–AE57

Supplemental Security Income; Determining Disability for a Child Under Age 18; Correction

AGENCY: Social Security Administration.

ACTION: Correction to interim final rules.

SUMMARY: This document contains corrections to the interim final rules published Tuesday, February 11, 1997 (62 FR 6408). These rules implement the childhood disability provisions of sections 211 and 212 of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

DATES: This correction is effective beginning April 14, 1997.

FOR FURTHER INFORMATION CONTACT: Daniel T. Bridgewater, Legal Assistant, Division of Regulations and Rulings, Social Security Administration, 6401 Security Boulevard, Baltimore, MD 21235, (410) 965–3298 for information about these rules. For information on eligibility or claiming benefits, call our national toll-free number, 1–800–772–1213.

SUPPLEMENTARY INFORMATION:

Background

The interim final rules that are the subject of these corrections implement the childhood disability provisions of sections 211 and 212 of Public Law 104–193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that provide a new definition of disability for children (i.e., individuals under age 18), mandate changes to the evaluation process for children's disability claims and continuing disability reviews, and require that disability redeterminations be performed for 18-year-olds eligible as children in the month before the month they attain age 18.

Need for Correction

We are making several editorial and other changes, including those needed to correct amendatory language to correspond with our intended changes and those needed to clarify our original intent. Other corrections, mostly typographical ones, are being made elsewhere in today's issue of the **Federal Register**.

Correction of Publication

The publication on February 11, 1997, of the subject interim final rules, is corrected as follows:

§ 416.925 [Amended]

1. On page 6424, in the first column, the amendatory language for § 416.925 (number 20) is corrected to read as follows:

''20. Section 416.925 is amended by revising the section heading, paragraph (a), and by adding five sentences to the end of paragraph (b)(2) to read as follows:''

2. On page 6424, in the second column, in § 416.926, paragraph (a)(1) is corrected to read as follows:

§ 416.926 Medical equivalence for adults and children.

(1)(i) If you have an impairment that is described in the Listing of Impairments in appendix 1 of subpart P of part 404 of this chapter, but—

(A) You do not exhibit one or more of the medical findings specified in the particular listing, or

(B) You exhibit all of the medical findings, but one or more of the findings is not as severe as specified in the listing;

(a) * * *

(ii) We will nevertheless find that your impairment is medically equivalent to that listing if you have other medical findings related to your impairment that are at least of equal medical significance.

* * * * *

3. On page 6424, in the third column, the first sentence of § 416.926a(a), is corrected to read as follows:

§ 416.926a Functional equivalence for children.

(a) *General.* If your impairment or combination of impairments does not meet, or is not medically equivalent in severity to, any listed impairment in appendix 1 of subpart P of part 404 of this chapter, we will assess all functional limitations caused by your impairment(s), i.e., what you cannot do because of your impairment(s), to determine if your impairment(s) is functionally equivalent in severity to any listed impairment that includes disabling functional limitations in its criteria.

* * * * *

4. On page 6428, in the third column, the regulatory language for § 416.927(a)(1) is corrected to read as follows:

§ 416.927 Evaluating medical opinions about your impairment(s) or disability.

(a) *General.* (1) If you are an adult, you can only be found disabled if you are unable to do any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. (See § 416.905.) If you are a child, you can be found disabled only if you have a medically determinable physical or mental impairment(s) that causes marked and severe functional limitations and that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than 12 months. (See § 416.906.) Your impairment must result from anatomical, physiological, or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques. (See § 416.908.)

* * * * *

5. On page 6429, in the first column, in § 416.929, the heading of paragraph (c) is corrected to read as follows:

§ 416.929 How we evaluate symptoms, including pain.

* * * * *

(c) *Evaluating the intensity and persistence of your symptoms, such as pain, and determining the extent to which your symptoms limit your capacity for work or, if you are a child, your functioning.** * *

* * * * *

§ 416.994a [Amended]

6. On page 6430, in the second column, the last five lines of the amendatory language for § 416.994a (number 28) are corrected to read ''paragraph (e), revising the heading and first two sentences of paragraph (e)(1), revising the second sentence of the introductory text to redesignated paragraph (f), revising the heading and first sentence of paragraph (f)(4), and revising paragraph (g)(5) to read as follows:''

7. In § 416.994a, on page 6430, in the third column, seventh line from the bottom, ''equalled'' is corrected to read ''equaled.''

8. In § 416.994a, on page 6431, in the third column, insert 3 asterisks after the period at the end of (e)(1) and after the first sentence of paragraph (f)(4).

Dated: March 12, 1997.

Martin Sussman,

Acting Regulations Officer, Social Security Administration.

[FR Doc. 97–6852 Filed 3–20–97; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 582

[Docket No. FR–4091–C–02]

RIN 2506–AB86

Shelter Plus Care Program; Streamlining; Final Rule; Correction

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule which was published Monday, September 30, 1996, (61 FR 51168). That final rule concerned the streamlining of the Shelter Plus Care regulations by removing provisions that were redundant of statutes or were otherwise unnecessary.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: David Pollack, Program Development Division, Office of Community Planning and Development, Department of Housing and Urban Development, Room 7260, 451 7th Street, SW, Washington, DC 20410; telephone (202) 708–1234. (This is not a toll-free number.) Hearing- or speech-impaired persons may access this number via TTY by calling the

Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

Need for Correction

As published, the final rule contains errors which may prove to be misleading and are in need of clarification. In particular, the statement of availability that is being removed from § 582.340(a)(1) essentially repeats the statement of availability that is in the footnote to § 582.340(a).

Correction of Publication

Accordingly, FR Doc. 96–24875, a final rule published on September 30, 1996 (61 FR 51168) that amended 24 CFR part 582, is corrected as follows:

§ 582.5 [Corrected]

1. On page 51169, in the third column, in § 582.5, paragraph (3) of the defined term ''Person with disabilities'' is corrected by adding the character ''))'' at the end of the paragraph.

§ 582.310 [Corrected]

2. On page 51171, in the first column, in § 582.310, paragraph (a), the citation ''(42 U.S.C. 1437a(3)(1))'' is corrected to read ''(42 U.S.C. 1437a(a)(1))''.

§ 582.340 [Corrected]

3. On page 51171, in the third column, in § 582.340, paragraph (a)(1) is corrected by removing the last sentence, which reads ''(OMB Circulars are available from the Executive Office of the President, Publication Service, 725 17th Street, NW., Suite G–2200, Washington, DC 20503, Telephone 202–395–7332.)''.

* * * * *

Dated: March 17, 1997.

Camille E. Acevedo,

Assistant General Counsel for Regulations.

[FR Doc. 97–7158 Filed 3–20–97; 8:45 am]

BILLING CODE 4210–29–P

DEPARTMENT OF EDUCATION

34 CFR Part 682

RINS 1840–AC35, 1840–AC33

Federal Family Education Loan Program

AGENCY: Department of Education.

ACTION: Final Regulations.

SUMMARY: The Secretary amends the regulations governing the Federal Family Education Loan (FFEL) Program to add the Office of Management and Budget (OMB) control number to certain sections of the regulations. These sections contain information collection requirements approved by OMB. Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The Secretary takes this action to inform the public that these requirements have been approved and affected parties must comply with them.

EFFECTIVE DATE: These regulations are effective on July 1, 1997.

FOR FURTHER INFORMATION CONTACT: Ron Streets or George Harris, FFEL Program Policy Section, Policy Development Division, Policy, Training, and Analysis Service, U.S. Department of Education, 600 Independence Avenue, S.W., (Room 3053, ROB–3), Washington, D.C. 20202. Telephone (202) 708–8242. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Final regulations for the FFEL Program entitled Due Diligence Requirements (61 FR 60478) and Guaranty Agencies-Conflicts of Interest (61 FR 60426) were published in the **Federal Register** on November 27, 1996. Compliance with information collection requirements in certain sections of these regulations was delayed until those requirements were approved by OMB under the Paperwork Reduction Act of 1995. OMB approved the information collection requirements in the regulations on January 17, 1997. The information collection requirements in these regulations will, therefore, become effective with all of the other provisions of the regulations on July 1, 1997.

Waiver of Proposed Rulemaking

It is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, the publication of OMB control numbers is purely technical and does not establish substantive policy. Therefore, the Secretary has determined under 5 U.S.C. 553(b)(B), that public comment on the regulations is unnecessary and contrary to the public interest.

List of Subjects in 34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs-education, Reporting and recordkeeping requirements, Student aid, Vocational education.

Dated: March 13, 1997.

David A. Longanecker,

Assistant Secretary for Postsecondary Education.

The Secretary amends Part 682 of Title 34 of the Code of Federal Regulations as follows:

PART 682—FEDERAL FAMILY EDUCATION LOAN PROGRAM

1. The authority citation for Part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

§ 682.411 [Amended]

2. Section 682.411 is amended by adding the OMB control number following the section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0538)''

§ 682.418 [Amended]

3. Section 682.418 is amended by adding the OMB control number following the section to read as follows: ''(Approved by the Office of Management and Budget under control number 1840–0726)''

[FR Doc. 97–7190 Filed 3–20–97; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 200

Organization, Functions, and Procedures; Information Availability

AGENCY: Forest Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: This technical amendment streamlines the rules for obtaining information from the Forest Service by combining related sections into a single rule and by making editorial changes to clarify the procedures by which the public may obtain agency information. The need for this revision became apparent when the agency reviewed its regulations as part of the President's Regulatory Reinvention Initiative. The intended effect is to make the rule easier to use and understand.

EFFECTIVE DATE: This rule is effective March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Naomi Charboneau, Freedom of Information Act Staff, telephone: (703) 235–9488.

SUPPLEMENTARY INFORMATION: Current regulations at § 200.5, § 200.7, § 200.8, and § 200.9 of Title 36 of the Code of Federal Regulations provide guidance for locating, inspecting, and copying Forest Service information. As part of the President's Regulatory Reinvention Initiative, an agency review team determined that these four small regulations could be combined to provide one streamlined regulation for viewing and obtaining information. In addition, minor revisions have been made to clarify longstanding procedures for requesting information and for clarifying when fees are assessed for copies of records and agency publications. As a result of combining these rules, sections 200.10 and 200.11 will be redesignated as §§ 200.7 and 200.8 respectively. No substantive changes have been made to the agency's policies on access to information.

List of Subjects in 36 CFR Part 200

Administrative practice and procedure, Freedom of information, Organization and functions (Government agencies).

Therefore, for the reasons set forth in the preamble, Part 200 of Title 36 of the Code of Federal Regulations is hereby amended as follows:

PART 200—[AMENDED]

1. The authority citation for Part 200 is revised to read as follows:

Authority: 5 U.S.C. 552; 16 U.S.C. 472, 551, and 1603.

2. In part 200, §§ 200.6 and 200.5 are redesignated as §§ 200.5 and 200.6, respectively, and newly designated § 200.6 is revised to read as follows:

§ 200.6 Information available; inspection, copying, and charges.

(a) In accordance with 5 U.S.C. 552(a) and 7 CFR 1.2, the Forest Service shall make available for public inspection and copying all published or unpublished directives, forms, records, and final opinions, including concurring or dissenting opinions and orders made in the adjudication of cases. Charges for information requested from the Forest Service are set out in paragraph (d) of this section and vary according to the type of information requested.

(b) Information made available pursuant to paragraph (a) of this section may be obtained at the Office of the Chief, or the office of any Regional Forester, Research Station Director, Area Director, Institute Director, Forest Supervisor, or District Ranger. The addresses of these offices are set forth in §§ 200.1 and 200.2. Forest Service personnel at these offices will assist members of the public seeking Forest Service records. However, Research Station and Institute Directors and District Rangers may not have all volumes of the Forest Service Manual and Handbooks. When the information requested is not available at a given location, the personnel where the request is received will direct the requester to another office where the information may be obtained.

(c) Inspection and copying availability is as follows:

(1) Facilities for inspection and copying are available at the offices listed in §§ 200.1 and 200.2, during established office hours for the particular location, usually 8 a.m. to 5 p.m., Monday through Friday. Copying facilities may not be available at all Forest Service offices.

(2) Requesters for information may make copies of available information without charge if they elect to bring their own copy equipment to the appropriate offices listed in §§ 200.1 and 200.2.

(3) Requesters should make prior arrangements for using agency copying facilities or for bringing in copying equipment and, in the later case, should get advance approval from the office.

(d) Any request for information pursuant to the provisions of the Freedom of Information Act must be submitted in accordance with §§ 200.7 and 200.8. The Forest Service charges a fee for copies of records not generally made available to the public but released pursuant to a FOIA request in accordance with a schedule of fees established by the Department of Agriculture at 7 CFR Part 1, Subpart A, Appendix A. These fees do not apply to information that is generally and routinely made available to the public upon request, such as recreational brochures, pamphlets, maps, and technical guides as well as agency directive issuances. Separate charges for such general information are established in the agency's Directive System (§ 200.4). For example, some pamphlets and small segments of the Forest Service Manual and Handbook may be provided at no cost, but maps of the National Forest System and larger sections of the Manual and Handbook are available for a charge. Current charges are explained at the time the request is made.

§§ 200.7, 200.8, and 200.9 [Removed]

§§ 200.10 and 200.11 [Redesignated as §§ 200.7 and 200.8]

3. Remove §§ 200.7 through 200.9 and redesignate §§ 200.10 and 200.11 as §§ 200.7 and 200.8, respectively.

Dated: March 7, 1997.

Barbara C. Weber,

Acting Chief.

[FR Doc. 97–6783 Filed 3–20–97; 8:45 am]

BILLING CODE 3410–11–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL–5800–1]

Arizona: Final Authorization of State Hazardous Waste Management Program Revisions; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Immediate final rule; correction.

SUMMARY: The Environmental Protection Agency published in the **Federal Register** of March 7, 1997, the authorization of Arizona's Hazardous Waste Management Program Revisions under the Resource Conservation and Recovery Act (RCRA). The heading in that published version stated ''Nevada: Final Authorization of State Hazardous Waste Management Program Revisions.'' This was a typographical error and should have read ''Arizona: Final Authorization of State Hazardous Waste Management Program Revisions.'' This document corrects that error and consequently extends the public comment period and effective dates.

DATES: Final authorization for Arizona is effective May 20, 1997 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Arizona's program revision application must be received by the close of business April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Lisa McClain-Vanderpool, U.S. EPA Region IX (WST–3), 75 Hawthorne Street, San Francisco, CA 94105, Phone: 415/744–2086.

Dated: March 14, 1997.

Rich Vaille,

Acting Director, Waste Management Division.

[FR Doc. 97–7217 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 97–82; FCC 97–60]

Competitive Bidding Procedures

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On February 20, 1997, the Federal Communications Commission adopted an *Order* amending and clarifying its general competitive rules. The *Order* also clarifies the extent of authority delegated to the Chief of the Wireless Telecommunications Bureau to implement regulations pertaining to competitive bidding. In addition, the *Order* modifies the short-form application (FCC Form 175) to include a certification indicating that an applicant is not in default on any payment for Commission licenses or delinquent on any non-tax debt owed to any federal agency. The rule changes set forth in the *Order* are intended to streamline the auctions process, and improve competitive bidding practices.

DATES: Effective April 21, 1997.

FOR FURTHER INFORMATION CONTACT: Mark Bollinger, Wireless Telecommunications Bureau, Federal Communications Commission, (202) 418–0660.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Order in FCC 97–60; WT Docket No. 97–82, adopted on February 20, 1997, and released on February 28, 1997. The complete text of this *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037. The complete *Order* is also available on the Commission's Internet home page (http://www.fcc.gov/).

Synopsis of the Order

1. In this *Order*, the Commission amends subpart Q of part 1 of the Commission's rules to reflect procedural changes that we believe will benefit bidders and the auction process generally and, in so doing, address some issues raised in petitions for reconsideration of our *Competitive Bidding Fifth Memorandum Opinion and Order*, 69 FR 63210 (December 7, 1994). Because the amendments adopted herein pertain to agency procedure and practice the requirement of notice and comment rule making contained in 5 U.S.C. 553(b) and the effective date provisions of 5 U.S.C. 553(d) do not apply.

Rule Changes

2. By this *Order*, the Commission amends the menu of competitive bidding designs provided in § 1.2103(a). The rule is revised to include: (1) Simultaneous multiple round auctions, using remote and/or on-site electronic bidding; (2) sequential multiple round auctions, using either oral ascending, remote or on-site electronic bidding; and (3) sequential or simultaneous single round auctions, using either remote and/or on-site electronic bidding, or sealed bids.

3. The Commission believes that the public interest would be served by establishing regular quarterly auctions for defaulted licenses or unsold licenses that were previously auctioned and for which there are mutually exclusive applications, services with a small number of licenses, and services in which licenses are expected to have low values. The Commission therefore will conduct quarterly auctions in the future, while retaining the discretion to decide in any quarter that an auction will not be held.

4. Section 1.2105(a) of the Commission's rules is amended to indicate that an applicant's signature on FCC Form 175 or its electronic submission of this form will serve to certify that the applicant is not in default on any payment for Commission licenses (including downpayments) and that it is not delinquent on any non-tax debt owed to any federal agency. The certification we henceforth will require regarding defaulted licenses and delinquent debts to federal agencies will afford additional assurance that the applicant will be able to meet its future obligations by indicating whether it may later be subject to a monetary judgment or collection procedures that may impair its ability to provide service. Bidders who cannot make this certification may be ineligible for installment payment plans.

5. The Commission amends §§ 1.2106(b) and 1.2107(b) to require that bidders make their upfront payments and downpayments to the Commission by wire transfer, thereby eliminating the option of making payments by cashier's check.

6. The Commission amends § 1.2110(e)(3) to codify the procedure under which all applicants eligible to utilize installment payments execute a promissory note and security agreement as a condition of participating in any installment payment plan that is offered by the FCC.

7. On a related matter, bidders and financial institutions have indicated that auction rules may prevent commercial lenders and equipment vendors from adequately protecting the loans they make or the credit they extend to auction winners who avail themselves of the installment payment plans. Specifically, parties have requested the Commission provide automatic grace periods in the event of default under the installment payment plan; implement installment payment plan terms consisting of interest-only payments for the entire term of the license, with a balloon payment at the end of the license term; enter into intercreditor or collateral sharing agreements with other creditors of licensees and/or make the auction payment to the Commission subordinate to the debt of the licensee's financial lenders; not cancel licenses where the licensees are in default of their installment payments and instead allow the license to remain part of the assets to be sold as a ''going concern'' in a pre-bankruptcy workout; and ease license transfer restrictions to allow for voluntary transfer of licenses to non-designated entities in cases of financial distress. In the *Notice of Proposed Rule Making* portion of this document, the Commission seeks comment on changes to the part 1 rules with regard to grace periods and installment payment plan terms, and will incorporate these parties' suggestions into the record generated by the *NPRM*. With regard to the remaining concerns, the Commission believes that the auction rules balance in a reasonable, commercial fashion the government's interest in protecting the public's rights to receive full payment for the spectrum bid upon, while granting qualifying entities the ability to pay for licenses through installment payments more generous in terms than any type of loan otherwise available in the marketplace. Our rules and policies are designed to promote private market solutions to capital problems (*i.e.*, licensees and lenders working together toward a satisfactory resolution), and therefore provide adequate mechanisms for entities to attain sufficient debt financing under general market conditions. To the extent that the petitioning parties seek relief outside of what is already provided by the Commission's rules, these requests are denied for the following reasons.

8. First, under current Commission policy, lenders may not be granted direct security interests in FCC licenses. In the auctions context, the Commission has established a first security interest in licenses being financed by it through installment payment plans. Accordingly, § 1.2110(e)(4)(iii) of the Commission's rules provides for cancellation of a license upon default of installment payment obligations. The Commission understands that it is customary in commercial financing to

grant lenders security interests in the *proceeds* of the sale of FCC licenses and § 1.2110(e) is not intended to impede or adversely affect a licensee's ability to obtain bank or other financing. Accordingly, debtors may grant to other parties a subordinated security interest in the proceeds of an authorized assignment or transfer of the license to a third party, provided however that any such security interest shall be subordinated to and in no way inconsistent with the Commission's security interest in the license.

9. The Commission notes, however, that reclaiming a license pursuant to § 1.2110(e)(4)(iii) is the Commission's remedy of last resort after conclusion of the regulatory processes set forth in § 1.2110(e). The Commission firmly believes that ''[m]arket-oriented solutions to problems of financial distress will often be preferable to the FCC reclaiming and reauctioning licenses.'' Amendment of parts 20 and 24 of the Commission's rules, *Report and Order,* 61 FR 33859 (July 1, 1996) (*D, E, F Block Report and Order*). This is particularly true when reclaiming a license would deprive or interrupt service to ongoing end users. Lenders and licensees are free to agree contractually to their own terms regarding situations where the licensee fails to make timely payments under the Commission's installment payment program. As long as there is no transfer of control, the Commission would not become involved in the particulars of a voluntary workout arrangement between licensees and third-party lenders, including lenders' assumption of the licensee's payments to the Commission. Our policies also provide that in the event an installment payment licensee is in default to a third-party lender such that the lender accelerates its loan, the lender can seek a new buyer to replace the defaulted licensee, subject to Commission approval of the transfer. While certain FCC rules contain restrictions on the transfer of licenses acquired through the use of designated entity provisions for the statutory purposes of assuring license dissemination among a wide variety of applicants including designated entities, licensees may request a waiver of such rules. For example, upon a showing, supported by an affidavit, that the licensee is in financial distress, the Commission will consider granting a waiver of the transfer restrictions provided that such transaction is otherwise in the public interest. Under these circumstances, if a license is transferred to an entity that would not qualify for designated entity provisions, or that would qualify for less favorable designated entity provisions, the unjust enrichment provisions set forth in § 1.2111 of the Commission's rules or service-specific rules would apply. In summary, commercial lenders and equipment vendors have adequate assurances from the Commission that in most situations of financial distress, licenses can be transferred as a ''going concern,'' subject, of course, to the rights of the Commission to the payments of obligations created under the Commission's rules (including unjust enrichment payments), the license conditions, the promissory note, and the security agreement.

10. The Commission changes the applicable downpayment and final payment period from five (5) business days to ten (10) business days and changes the event triggering the final payment obligation (or in the case of entities eligible for installment payments, the second downpayment obligation) from the award of the license to the issuance of a public notice indicating that the Commission is prepared to award the license or authorization. These changes will facilitate a more orderly licensing process and ensure that successful bidders have adequate time to fulfill their payment obligations. Section 1.2109(b) of the Commission's rules, which addresses the circumstances in which a bidder will be deemed to have defaulted on its downpayment obligations, is also amended to specify ten (10) business days instead of five (5) business days.

11. The Commission amends § 1.2110(b)(2), the definition of ''minority,'' to include: ''Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.'' With regard to the meaning of particular categories in the definition, the Commission shall use the same category descriptions the Commission has relied on in other contexts.

12. The Commission also clarifies that pursuant to § 0.131 of the rules, the Chief, Wireless Telecommunications Bureau, has delegated authority to implement all of the Commission's rules pertaining to auctions procedures. This includes the authority to choose competitive bidding designs and methodologies, such as simultaneous multiple round auctions or oral outcry auctions and remote electronic bidding or on-site bidding; conduct auctions; administer application, payment, license grant and denial procedures; and determine upfront and downpayment amounts. The Commission notes that the Bureau should, to the extent possible, carry out its duties under this authority through the use of orders, public notices, bidder packages, notices disseminated through the electronic bidding system, and by other reasonable means and with the benefit of public comment where appropriate. Such Bureau actions are subject to review by the full Commission.

Procedural Matters and Ordering Clauses

13. *It is ordered* that the rule changes specified in Appendix B, attached to the *Order, are adopted* and are *effective* April 21, 1997.

14. *It is further ordered* that the petitions for reconsideration of the *Competitive Bidding Fifth Memorandum Opinion and Order,* to the extent that they are addressed in the *Order, are denied.*

15. *Authority.* This action is taken pursuant to sections 4(i), 5(b), 5(c)(1), 303(r), and 309 (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), 156(c)(1), 303(r), and 309(j).

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

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

PART 1—PRACTICE AND PROCEDURE

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

Authority: 15 U.S.C. 79 et seq., and 47 U.S.C. 151, 154(i), 154(j), and 303(r).

2. Sections 1.2103 (a) and (b) are revised to read as follows:

§ 1.2103 Competitive bidding design options.

(a) The Commission will select the competitive bidding design(s) to be used in auctioning particular licenses or classes of licenses on a service-specific basis. The choice of competitive bidding design will generally be made pursuant to the criteria set forth in PP Docket No. 93–253, FCC 94–61, adopted March 8, 1994, available for purchase from the International Transcription Service, Inc., 2100 M St. NW., suite 140, Washington, DC 20037, telephone (202) 857–3800, but the Commission may design and test alternative methodologies. The Commission will choose from one or more of the following types of auction designs for services or classes of services subject to competitive bidding:

(1) Simultaneous multiple round auctions (using remote or on-site electronic bidding);

(2) Sequential multiple round auctions (using either oral ascending or remote and/or on-site electronic bidding); and/or

(3) Sequential or simultaneous single round auctions (using either sealed paper or remote and/or on-site electronic bidding).

(b) The Commission may use combinatorial bidding, which would allow bidders to submit all or nothing bids on combinations of licenses or authorizations, in addition to bids on individual licenses or authorizations. The Commission may require that to be declared the high bid, a combinatorial bid must exceed the sum of the individual bids by a specified amount. Combinatorial bidding may be used with any type of auction. The Commission may also allow bidders to submit contingent bids on individual and/or combinations of licenses.

* * * * *

3. Section 1.2105 is amended by revising paragraph (a)(2) to read as follows:

§ 1.2105 Bidding application and certification procedures; prohibition of collusion.

(a) * * *

(2) The Form 175 must contain the following information:

(i) Identification of each license on which the applicant wishes to bid;

(ii) The applicant's name, if the applicant is an individual. If the applicant is a corporation, then the short-form application will require the name and address of the corporate office and the name and title of an officer or director. If the applicant is a partnership, then the application will require the name, citizenship and address of all partners, and, if a partner is not a natural person, then the name and title of a responsible person should be included as well. If the applicant is a trust, then the name and address of the trustee will be required. If the applicant is none of the above, then it must identify and describe itself and its principals or other responsible persons;

(iii) The identity of the person(s) authorized to make or withdraw a bid;

(iv) If the applicant applies as a designated entity pursuant to § 1.2110, a statement to that effect and a declaration, under penalty of perjury, that the applicant is qualified as a designated entity under § 1.2110.

(v) Certification that the applicant is legally, technically, financially and otherwise qualified pursuant to section 308(b) of the Communications Act of 1934, as amended. The Commission will accept applications certifying that a request for waiver or other relief from the requirements of section 310 is pending;

(vi) Certification that the applicant is in compliance with the foreign ownership provisions of section 310 of the Communications Act of 1934, as amended;

(vii) Certification that the applicant is and will, during the pendency of its application(s), remain in compliance with any service-specific qualifications applicable to the licenses on which the applicant intends to bid including, but not limited to, financial qualifications. The Commission may require certification in certain services that the applicant will, following grant of a license, come into compliance with certain service-specific rules, including, but not limited to, ownership eligibility limitations;

(viii) An exhibit, certified as truthful under penalty of perjury, identifying all parties with whom the applicant has entered into partnerships, joint ventures, consortia or other agreements, arrangements or understandings of any kind relating to the licenses being auctioned, including any such agreements relating to the post-auction market structure.

(ix) Certification under penalty of perjury that it has not entered and will not enter into any explicit or implicit agreements, arrangements or understandings of any kind with any parties other than those identified pursuant to paragraph (a)(2)(viii) of this section regarding the amount of their bids, bidding strategies or the particular licenses on which they will or will not bid; and

(x) Certification that the applicant is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency.

* * * * *

4. Section 1.2106 is amended by revising paragraph (b) to read as follows:

§ 1.2106 Submission of upfront payments.

* * * * *

(b) Upfront payments must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission.

* * * * *

5. Section 1.2107 is amended by revising paragraphs (b) and (c) to read as follows:

§ 1.2107 Submission of down payment and filing of long-form applications.

* * * * *

(b) Within ten (10) business days after being notified that it is a high bidder on a particular license(s), a high bidder must submit to the Commission's lockbox bank such additional funds (the ''down payment'') as are necessary to bring its total deposits (not including upfront payments applied to satisfy penalties) up to twenty (20) percent of its high bid(s). (In single round sealed bid auctions conducted under § 1.2103, however, bidders may be required to submit their down payments with their bids.) This down payment must be made by wire transfer in U.S. dollars from a financial institution whose deposits are insured by the Federal Deposit Insurance Corporation and must be made payable to the Federal Communications Commission. Winning bidders who are qualified designated entities eligible for installment payments under § 1.2110(d) are only required to bring their total deposits up to ten (10) percent of their winning bid(s). Such designated entities must pay the remainder of the twenty (20) percent down payment within ten (10) business days of grant of their application. See § 1.2110(e) (1) and (2). Down payments will be held by the Commission until the high bidder has been awarded the license and has paid the remaining balance due on the license or authorization, in which case it will not be returned, or until the winning bidder is found unqualified to be a licensee or has defaulted, in which case it will be returned, less applicable payments. No interest on any down payment will be paid to the bidders.

(c) A high bidder that meets its down payment obligations in a timely manner must, within ten (10) business days after being notified that it is a high bidder, submit an additional application (the ''long-form application'') pursuant to the rules governing the service in which the applicant is the high bidder (unless it has already submitted such an application, as contemplated by § 1.2105(a)(1)(b). Notwithstanding any other provision in title 47 of the Code of Federal Regulations to the contrary, high bidders need not submit an additional application filing fee with their long-form applications. Specific procedures for filing electronically and manually filed applications will be set out by Public Notice. While Form 600 may be filed either electronically or manually, beginning January 1, 1998, all applications must be filed electronically. Those applicants who file applications manually must also include a copy of all attachments and

any other supporting documents on a 3.5 inch diskette in separate ASCII text (.TXT) file formats. An applicant that fails to submit the required long-form application under this paragraph and fails to establish good cause for any late-filed submission, shall be deemed to have defaulted and will be subject to the payments set forth in § 1.2104.

* * * * *

6. Section 1.2109 is amended by revising paragraphs (a) and (b) to read as follows:

§ 1.2109 License grant, denial, default, and disqualification.

(a) Unless otherwise specified in these rules, auction winners are required to pay the balance of their winning bids in a lump sum within ten (10) business days following award of the license. Grant of the license will be conditioned on full and timely payment of the winning bid.

(b) If a winning bidder withdraws its bid after the Commission has declared competitive bidding closed or fails to remit the required down payment within ten (10) business days after the Commission has declared competitive bidding closed, the bidder will be deemed to have defaulted, its application will be dismissed, and it will be liable for the default payment specified in § 1.2104(g)(2). In such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. The down payment obligations set forth in § 1.2107(b) will apply.

* * * * *

7. Section 1.2110 is amended by revising paragraphs (b)(2), (e)(1), (e)(2), and the introductory text of (e)(3) to read as follows:

§ 1.2110 Designated entities.

* * * * *

(b) * * *

(2) Businesses owned by members of minority groups and/or women. Unless otherwise provided in rules governing specific services, a business owned by members of minority groups and/or women is one in which minorities and/or women who are U.S. citizens control the applicant, have at least 50.1 percent equity ownership and, in the case of a corporate applicant, a 50.1 percent voting interest. For applicants that are partnerships, every general partner either must be a minority and/or woman (or minorities and/or women) who are U.S. citizens and who individually or together own at least 50.1 percent of the partnership equity, or an entity that is 100 percent owned and controlled by minorities and/or women who are U.S. citizens. The interests of minorities and women are to be calculated on a fully-diluted basis; agreements such as stock options and convertible debentures shall be considered to have a present effect on the power to control an entity and shall be treated as if the rights thereunder already have been fully exercised. However, upon a demonstration that options or conversion rights held by non-controlling principals will not deprive the minority and female principals of a substantial financial stake in the venture or impair their rights to control the designated entity, a designated entity may seek a waiver of the requirement that the equity of the minority and female principals must be calculated on a fully-diluted basis. Members of minority groups include Blacks, Hispanics, American Indians, Alaskan Natives, Asians, and Pacific Islanders.

* * * * *

(e) * * *

(1) Unless otherwise specified, each eligible applicant paying for its license(s) on an installment basis must deposit by wire transfer in the manner specified in § 1.2107(b) sufficient additional funds as are necessary to bring its total deposits to ten (10) percent of its winning bid(s) within ten (10) business days after the Commission has declared it the winning bidder and closed the bidding. Failure to remit the required payment will make the bidder liable to pay penalties pursuant to § 1.2104(g)(2).

(2) Within ten (10) business days of the grant of the license application of a winning bidder eligible for installment payments, the licensee shall pay another ten (10) percent of the high bid, thereby commencing the eligible licensee's installment payment plan. Failure to remit the required payment will make the bidder liable to pay default payments pursuant to § 1.2104(g)(2).

(3) Upon grant of the license, the Commission will notify each eligible licensee of the terms of its installment payment plan and that it must execute a promissory note and security agreement as a condition of the installment payment plan. Unless other terms are specified in the rules of particular services, such plans will:

* * * * *

[FR Doc. 97–7232 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 92–291, RM–8133]

Radio Broadcasting Services; Cambridge and St. Michaels, MD

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants an Application for Review filed by CWA Broadcasting, Inc. directed to a staff action denying its proposal to reallot Channel 232A from Cambridge to St. Michaels, Maryland, and modify its Station WFBR construction permit to specify St. Michaels as the community of license. *See* 60 FR 38738, July 28, 1995. As a result, Channel 232A is now allotted to St. Michaels, Maryland, and the Station WFBR construction permit now specifies St. Michaels as the community of license. The reference coordinates for the Channel 232A allotment at St. Michaels, Maryland, are 38–49–17 and 76–17–27. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 2, 1997.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 418–2177.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order* adopted March 6, 1997, and released March 17, 1997. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

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 Maryland, is amended by removing Channel 232A at Cambridge, and adding St. Michaels, Channel 232A.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–7177 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 96–125; RM–8807, RM–8861]

Radio Broadcasting Services; Albion and Hilton, NY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Hilton Broadcasting, dismisses the request to allot Channel 238A to Hilton, NY, as the community's first local aural transmission service. *See* 61 FR 31084, June 19, 1996. At the request of Albion Broadcasting Associates, the Commission allots Channel 238A to Albion, NY, as the community's first local aural transmission service. Channel 238A can be allotted to Albion with a site restriction of 0.7 kilometers (0.4 miles) northeast, at coordinates 43–15–00 North Latitude and 78–11–12 West Longitude, to avoid a short-spacing to Station WJYE, Channel 241B, Buffalo, New York. This allotment has been concurred in by the Canadian Government as a specially negotiated short-spaced allotment since Albion is located within 320 kilometers (200 miles) of the U.S.-Canadian border. The Albion allotment is short-spaced to Stations CKDS-FM, Channel 237C1, Hamilton, Ontario, and CJBC1F and proposed CJBC–1, Channel 238C1, Belleville, Ontario, Canada. With this action, this proceeding is terminated.

DATES: Effective April 28, 1997. The window period for filing applications for Channel 238A at Albion, NY, will open on April 28, 1997, and close on May 29, 1997.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 96–125, adopted March 5, 1997, and released March 14, 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.

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 New York, is amended by adding Albion, Channel 238A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–7257 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 95–120; RM–8650]

Radio Broadcasting Services; Premont, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Paulino Bernal, substitutes Channel 264C3 for Channel 285A at Premont and modifies Station KMFM(FM)'s license to specify operation on the higher powered channel. *See* 60 FR 39141, August 1, 1995. Channel 264C3 can be allotted to Premont in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.7 kilometers (4.8 miles) east in order to avoid a short-spacing conflict with the licensed site of Station KBDR(FM), Channel 263C2, Mirando City, Texas. The coordinates for Channel 264C3 at Premont are 27–21–35 NL and 98–02–45 WL. Mexican concurrence has been obtained for this allotment.

With this action, this proceeding is terminated.

EFFECTIVE DATE: April 28, 1997.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 95–120, adopted March 5, 1997, and released March 14, 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, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 285A and adding Channel 264C3 at Premont.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 97–7258 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 62, No. 55
Friday, March 21, 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 AGRICULTURE

Farm Service Agency

7 CFR Part 723

RIN 0560–AE96

Amendment to the Tobacco Marketing Quota Regulations

AGENCY: Farm Service Agency, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes improving the administration of the tobacco marketing quota and price support program by amending program regulations to: provide for making quota ''inequity adjustments'' on a ''common ownership unit'' basis rather than strictly on a ''farm'' basis; eliminate unduly restrictive deadlines for the mailing of certain quota notices; permit, for burley and flue-cured tobacco, disaster transfers to be made by cash lessees, from cash rented farms, without the owner's signature; provide greater flexibility in the setting of penalty amounts for burley and flue-cured tobacco violations; eliminate a provision that requires yearly publication in the **Federal Register** of certain routine and noncontroversial penalty computations; remove regulations governing the 1994-calendar year only ''domestic marketing assessment'', which was applicable to the use by certain cigarette manufacturers of set percentages of domestic tobacco; codify certain statutory provisions concerning, and penalties related to, setting burley and flue-cured tobacco quotas; and add several technical changes, including changes to reflect a recent reorganization of the Department of Agriculture.

DATES: Comments must be received by May 20, 1997 to be assured of consideration.

ADDRESSES: Submit comments on the proposed rule to: Director, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, P.O. Box 2415, Washington, DC 20013–2415. Comments may be faxed to 202–690–2298. All written submissions made pursuant to this rule will be made available for public inspection in Room 5750 South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., during regular Federal workdays.

FOR FURTHER INFORMATION CONTACT: Verner Grise, Director, Tobacco and Peanuts Analysis Staff, Tobacco and Peanuts Division, USDA, FSA, STOP 0514, P.O. Box 2415, Washington, DC 20013–2415, telephone 202–720–5291.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant and therefore was not reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act is not applicable to this proposed rule since the Farm Service Agency (FSA) is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rule making with respect to the subject matter of this rule.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies are: Commodity Loans and Purchases—10.051.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

Executive Order 12372

This activity is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988. The provisions of this proposed rule are not retroactive and preempt State laws to the extent that such laws are inconsistent with the provisions of this proposed rule. Before any legal action is brought regarding determinations made under provisions of 7 CFR part 723, the administrative appeal provisions set forth at 7 CFR Part 780 and 7 CFR Part 711, as applicable, must be exhausted.

Paperwork Reduction Act

This proposed rule does not contain new or revised information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 et seq). The information collections required in 7 CFR Part 723 have previously been cleared under OMB control number 0560–0058.

Background and Discussion

The tobacco marketing quota and price support program is operated by the Department of Agriculture pursuant to provisions of the Agricultural Adjustment Act of 1938, as amended (the 1938 Act) and the Agricultural Act of 1949, as amended (the 1949 Act). This proposed rule would, as described below, modify tobacco marketing quota regulations in 7 CFR Part 723. Related price support regulations are codified in 7 CFR Part 1464.

1. Allocation of Inequity Adjustments

The 1938 Act permits the FSA, out of limited national reserves, to make so-called ''inequity adjustments'' in old farm allotments or quotas in order to alleviate quota disparities between farms in a county. Current rules, at § 723.210, call for those adjustments to be made by ''farm'' as that term is defined for FSA commodity support purposes. However, for tobacco, there may, in effect, be ''farms'' within a farm when there are different common ownership units within the farm. For that reason, to allow for greater equity, it is proposed that the rules be modified to allow local FSA committees to choose, at their discretion, to make inequity adjustments by common ownership units in which case the quota adjustment would inure to the common ownership unit rather than to the whole farm. The rule would also add, in § 723.104, a definition of ''common ownership unit'' to facilitate the administration of the proposed change for allocating inequity adjustments and the transfer of quota by sale.

2. Mailing Notices of Farm Acreage Allotments and Marketing Quotas

Current rules, in § 723.213, require that quota notices be mailed by a certain date if the quota is to be modified because of a violation, a revision or adjustment in the allotment or quota for the farm, or a farm reconstitution. The deadline is April 1 for farms in Alabama, Florida, Georgia, North Carolina, South Carolina and Virginia. Otherwise, the deadline is May 1. Those dates are not suitable in all instances since there may be transfers affecting the quota which have not occurred by those dates. For that reason, and because the regulation is strictly a matter of agency procedure, it is proposed that these deadlines be removed from the regulations. Because of the special considerations that accompany reductions for violations, it would remain the agency's intention with respect to notices concerning reductions in quota because of violations to meet the same deadlines as those that are now in the regulations.

3. Approval of Disaster Lease and Transfer Agreements—Cash Rented Farms

Burley and flue-cured tobacco are different from other kinds of tobacco in that they are subject to quotas on a poundage basis. All other tobaccos are limited by acreage only. Burley tobacco is limited by pounds only and flue-cured tobacco is limited both by acres and pounds. With respect to burley and flue-cured tobacco, disaster transfers of quota pounds can be made during the harvest season if, despite the producer's best efforts, the quota is not fully produced because of a natural disaster. Currently, all such transfers require the farm owner to sign the transfer documents. This rule proposes amending § 723.216 to provide that such owner's signature is not needed when the farm is cash-rented or leased by the farm operator. This would reflect that the owner does not have an interest in the current year's tobacco crop or marketing quota. This would effectively and conclusively, presume that the farm operator or tobacco producer has paid for the quota for the current year to use to market the crop or, as the case may be, to disaster lease and transfer the unused quota from the farm.

4. Producer Penalty Calculations

Penalties can be assessed against producers under the 1938 Act for excess marketings and other offenses. Section 314 of the 1938 Act provides that the penalty rate is equal to 75 percent of the average market price for the kind of tobacco for the immediately preceding marketing year. That rate is applied, then, to the penalty quantity of tobacco. Generally, under section 314, that quantity is the amount of the excess marketings. However, section 317(g) of the 1938 Act provides, for the poundage quota tobaccos (burley and flue-cured) only, that no penalty shall be due or collected until 103 percent of the marketing quota has been marketed except that where a producer falsely identifies, or fails to account for the disposition of any tobacco, the Secretary, in lieu of assessing and collecting penalties based on the actual marketings of excess tobacco, may elect to assess a penalty computed by multiplying the full penalty rate by an amount of tobacco equal to 25 percent of the farm's effective marketing quota plus the farm yield for the number of acres harvested in excess of the farm acreage allotment. Thus for burley and flue-cured tobacco, two possible standards exist for determining the penalty quantity: (1) The excess-over-103-percent standard (''the 103-percent standard'') and (2) the 25-percent-of-quota standard (''the 25-percent standard''). In some cases, however, the producer may have no excess marketings, but may have mis-marketed a small number of pounds on the farm's marketing card in which case the 25-percent standard may produce a penalty which a local FSA committee could feel is too harsh. This could lead, by use of the 103-percent standard, to no penalty at all which could be too lenient. Given that the use of the full 25-percent-of-quota standard is strictly discretionary, it would appear to follow that, in cases where the 25-percent standard could otherwise be applied, the Secretary could choose a penalty quantity ''up to'' 25-percent. Changing § 723.409 to add that flexibility is proposed in this notice. This would, if adopted, allow the penalty quantity to be, more appropriately, the actual amount of pounds in violation, which could better reflect the relative significance of different violations. This amendment will not affect the penalty quantity for buyers, dealers, or warehouse operators. Tobacco buyers, dealers, warehouse operators, and others will be required to collect the full penalty rate for each pound of invalid or suspicious marketings. In the event of an over-collection, the penalty can be refunded.

5. Elimination of Publication in the Federal Register of Certain Mathematical Computations

Also, it is proposed, with respect to penalties, that § 723.308 be modified to remove the provision that requires publication in the **Federal Register** of the penalty rate calculations for the individual kinds of tobacco. Those rates are mathematical calculations based on market prices and the amounts should be, within a very close amount, well known by interested parties based on their knowledge of market conditions. As in the past, effective notice will be provided by press release. Further information, if needed, can be obtained by inquiry. For these reasons, publication in the **Federal Register** does not appear to be necessary.

6. Removal of Regulations Concerning the 1994 Domestic Marketing Assessment for Manufacturers Whose Use of Domestic Tobacco Fell Below 75 Percent

This rule also proposes removing the regulations that currently appear in Subpart E, as those regulations deal with an assessment that only applied with respect to activities which occurred in calendar year 1994. Specifically, budget legislation enacted in 1993 provided for a ''domestic marketing assessment'' (DMA) to be applied to certain manufacturers of cigarettes if their use of domestic tobacco did not, for certain cigarettes, over a calendar year, amount to 75 percent of their total tobacco use. Later legislation limited the application of the DMA to activities occurring in calendar year 1994. Accordingly, it does not appear worthwhile to continue the codification of the DMA regulations. Removal of the rules will not, however, affect liabilities with respect to the DMA for activities occurring in calendar year 1994.

7. Codification of Regulations Dealing With Establishing the National Marketing Quotas for Burley and Flue-Cured Tobacco

It is also proposed that a new subpart be added to codify provisions dealing with the annual establishment of the burley and flue-cured tobacco national marketing quotas. The quotas for burley and flue-cured tobaccos, unlike the allotments for other supported tobaccos, are set, as provided for by statute, in a manner that takes into account pre-announced purchase intentions of certain cigarette manufacturers. Specifically, the calculation takes into account the purchase intentions of those cigarette manufacturers who meet the 1938 Act definition of a ''domestic manufacturer of cigarettes'' by producing at least 1 percent of the cigarettes produced and sold in the United States. The 1938 Act provides, under section 317 for flue-cured tobacco, and section 319 for burley

tobacco, that the quota for each kind is the amount, computed separately which, with an allowance for the Secretary to make a discretionary upward or downward adjustment of up to 3 percent in the total, equals the sum of: (1) The aggregate, for the upcoming year, of the stated intentions of the manufacturers to purchase eligible tobacco of the relevant kind from regular auction markets, producers, or from the inventories of the relevant producer loan associations; (2) the average annual exports of that kind of domestic tobacco for the past 3 years; and (3) the amount the Secretary deems, in his discretion, is needed to adjust the current inventories of the producer loan associations to establish stocks at the reserve stock level for the respective kind of tobacco. The reserve stock level is defined in section 301 of the 1938 Act to be, for burley tobacco, the greater of 50 million pounds or 15 percent of the previous year's quota. For flue-cured tobacco that level is defined to be the greater of 100 million pounds or 15 percent of the previous year's quota. Section 319 of the 1938 Act provides, however, that the reserve stock level downward adjustment for burley tobacco may not exceed the greater of 35 million pounds or 50 percent of the quantity by which loan inventories exceed the reserve stock level. Section 320A of the 1938 Act requires that the statement of purchase intentions be filed by all manufacturers who meet the ''domestic manufacturer of cigarettes'' definition and provides that if a manufacturer fails to file such a statement the Secretary must estimate the purchases for the manufacturer based on the manufacturer's previous submissions. The statements of intention are due before the marketing year. Section 320A of the 1938 Act sets December 1 as the deadline for flue-cured purchase intentions. For burley, section 320A sets January 15 as the deadline. Also, section 320A contains confidentiality provisions to protect the statements filed by manufacturers.

Further, section 320B of the 1938 Act provides that cigarette manufacturers must report their tobacco purchases at the end of the year so that a comparison can be made with their statement of intentions. Under section 320B, the manufacturer must pay a per pound penalty, equal to twice the purchaser's share of the no-net-cost assessment rate for the relevant marketing year, if their purchases do not amount to 90 percent of their stated intentions. Section 320B provides that the penalty will be assessed on the full amount of the shortage except that 320B also provides that the statements of intention will be adjusted downward if producers do not, counting price support loan placements, produce, in the aggregate, the total national quota for the relevant kind of tobacco (burley or flue-cured) for the relevant marketing year.

These provisions have been in place for many years. This rule proposes, however, to codify current policy to allow for comment and modification as needed. As with current practice, the rule provides for counting indirect and direct purchases for statement of purchase intentions and for calculations of compliance with those intentions. Also, the rule, for these purposes, as with current practice, specifies that purchases of leaf, stems, trimmings, and scrap tobacco for export should be excluded from the purchase intentions and from the purchases that are countable toward meeting the manufacturer's obligations.

8. Technical Changes in the Regulations

This rule would also make certain technical changes, including changing references from ''ASC'' to ''FSA'' to reflect that under a recent reorganization, many of the functions of the former Agricultural Stabilization and Conservation Service are now handled by the USDA's Farm Service Agency.

List of Subjects in 7 CFR Part 723

Acreage allotments, Dealers, Domestic cigarette manufacturers, Marketing quotas, Penalties, Tobacco

Proposed Rule

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 723 be amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1314f, 1314i, 1315, 1316, 1362, 1363, 1372–75, 1377–1379, 1421, 1445–1 and 1445–2.

2. Section 723.104 is to be amended by adding definitions for ''common ownership unit'', ''Farm Service Agency'', and ''FSA'' in their proper alphabetical order to read as follows:

§ 723.104 Definitions.

Common ownership unit. A common ownership unit is a distinguishable part of a farm, consisting of one or more tracts of land with the same owners as determined by FSA.

Farm Service Agency. An agency within the U.S. Department of Agriculture.

FSA. The Farm Service Agency.

* * * * *

3. Section 723.210 is amended by adding a new paragraph (d) to read as follows:

§ 723.210 Corrections of errors and adjusting inequities in acreage allotments and marketing quotas for old farms.

* * * * *

(d) *Making certain adjustments on a common ownership unit basis.* Notwithstanding other provisions of this section, inequity adjustments may be allotted by common ownership unit rather than by farm when it is determined by the county FSA committee that the making of the determination on that basis provides greater equity.

§ 723.213 [Amended]

4. Section 723.213 is amended by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

5. Section 723.216(a) is amended by revising paragraph (a) introductory text and by revising paragraphs (a)(2)(ii)(A) and (a)(2)(iii)(A), to read as follows:

§ 723.216 Transfers of tobacco acreage allotment or marketing quota by sale, lease, or owner.

(a) *General.* The allotment or quota established for a farm may be transferred to another farm to the extent provided for in this section. For transfers by sale, common ownership units on a farm may be considered to be separate farms. Transfers are not permitted for cigar binder (types 54 and 55) tobacco allotments.

* * * * *

(2) * * *

(ii) * * *

(A) *Leases.* The owner and operator of the transferring farm and the owner or operator of the receiving farm. For leases made under the disaster provisions of this section, the signature of the owner will not be required if the FSA determines that the farm is cash leased for the current crop year and that the owner does not share in the crop.

* * * * *

(iii) * * *

(A) *Leases.* The owner of the transferring farm and the owner or operator of the receiving farm. For leases made under the disaster provisions of this section, the signature of the owner will not be required if the FSA determines that the farm is cash leased for the crop year and that the owner does not share in the crop.

* * * * *

§ 723.308 [Amended]

6. Section 723.308 is amended by adding ''and announced annually'' after ''determined'' in the first sentence and removing the second sentence.

7. Section 723.409 is amended by revising paragraphs (a), (b), (e)(1), (e)(2) introductory text, and (f) and by removing paragraph (g), such that the revised paragraphs in § 723.409 will read as follows:

§ 723.409 Producer violations, penalties, false identification and related issues.

(a) *Generally*—(1) *Circumstances in which penalties are due.* A penalty shall be due on all marketings from a farm which are:

(i) in excess of the applicable quota or allotment;

(ii) made without a valid marketing card;

(iii) made under circumstances where the buyer or dealer, or their agents, know, or have reason to know, that the tobacco was, or is, marketed in a manner which by itself or in combination with other marketings is designed to, or has the effect of, defeating the purposes of the tobacco price support and production adjustment program, avoiding marketing quota limitations, or otherwise avoiding provision of this part or part 1464;

(iv) falsely identified; or,

(v) marketings for which the producer fails to make a proper account as required by the provisions of this part.

(2) *Amount of the penalty.* The amount of the penalty shall be the amount computed by multiplying the penalty rate by the penalty quantity.

(3) *Penalty rate.* The penalty rate for purposes of this section is that rate which is computed as the penalty rate per pound for the applicable kind of tobacco under § 723.308, except to the extent that a converted penalty rate may be used as provided for in this section.

(4) *Penalty quantity.* The quantity of tobacco that is determined by the county FSA committee to be subject to penalty, provided further that:

(i) *For burley and flue-cured tobacco,* the penalty quantity for purposes of this section shall be the amount of marketings from the farm in excess of 103 percent of the farm's effective marketing quota for that year, except that if the violation involves false identification or a failure to account for tobacco, the FSA may, in its discretion, depending on the nature of the violations, use as the penalty quantity an amount up to 25 percent of the farm's effective marketing quota plus 100 percent of the farm yield on any excess acreage for the farm (acreage planted in excess of the allotted acres, as estimated or determined).

(ii) *For tobaccos other than burley and flue-cured tobacco,* the penalty quantity shall be the amount of marketings from the farm in excess of the farm's marketing quota provided further, that in order to aid in the collection of the penalty the FSA shall endeavor, to the extent practicable, to apply the penalty to all of the farm's marketings by converting the full penalty rate to a converted proportionate penalty rate which rate may be identified on the producer's marketing card and collected and remitted accordingly. In making the calculation of the converted penalty rate, the agency shall take into account any carryover tobacco applicable for the farm. If an erroneous penalty rate is shown on the marketing card, then the producer of the tobacco and the producer who marketed the tobacco shall be liable for any balance due.

(5) *Limitations on reduced penalty quantities.* No penalty shall, to the extent that there is discretion to do otherwise, be assessed at an amount which is less than the amount equal to the full penalty rate multiplied by the full number of pounds that are, or are estimated to be, subject to penalty, unless it is determined by the county FSA committee, with the concurrence of the State FSA committee, that all of the following exist with respect to such violation:

(i) The violation was inadvertent and unintentional;

(ii) All of the farm's production has been accounted for and there are no excess marketings for which there are penalties outstanding;

(iii) The records for all involved farms have been corrected to show the marketings involved; and

(iv) The false identification or failure to account did not give the producer an advantage under the program.

(6) *Effect of improper, invalid, deceptive or unaccounted for marketings on penalty quantity calculation.* Any marketing made without a valid marketing card, falsely-identified, or unaccounted for in accordance with the requirements of this part, or made under circumstances which are designed to, or have the effect of, defeating the purpose of the tobacco marketing quota and price support program, avoiding any limitation on marketings, avoiding a penalty, or avoiding compliance with, or the requirements of, any regulation under this part or under part 1464, shall be considered an excess marketing of tobacco. Further, such marketings shall, unless shown to the satisfaction of the county FSA committee to be otherwise, be considered, where relevant, to be in excess of 103 percent of the applicable marketing quota for the farm, and shall be subject to a penalty at the full penalty rate for each pound so marketed.

(7) *Pledging of tobacco by an ineligible producer.* In addition to any other circumstances in which a penalty may be assessed under this part, the marketing or pledging for a price support loan of any tobacco when the producer is not considered to be an ''eligible producer'' under the provisions of part 1464 of this title, shall be considered to be a false identification of tobacco and shall be dealt with accordingly. This remedy shall be in addition to all others as may apply.

(8) *Failures to make certain reports.* If any producer who manufactures tobacco products from tobacco produced by or for such person fails to make the report required by § 729.408, or otherwise required by this part, or makes a false report, the producer shall be deemed to have failed to account for the disposition of tobacco produced on the farms(s) involved. The filing of a report by a producer under § 723.408 of this part which the State FSA committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(b) *Special provisions for tobacco buyers, dealers, and warehouse operators and others who acquire tobacco.*

(1) Notwithstanding the provisions of paragraph (a) of this section, a dealer, buyer or warehouse operator shall collect an amount of penalty equal to the applicable per pound penalty rate times the quantity of tobacco acquired or handled by the buyer, dealer or warehouse operator when the tobacco is not identified with a valid producer marketing card, the tobacco is being sold under suspicious circumstances, or when there is any reason to suspect the tobacco may be subject to penalty. The provisions of this paragraph apply to all purchases by a dealer, buyer or warehouse operator including those from another dealer, buyer or warehouse operator. The dealer, buyer, warehouse operator, or their agent, shall also collect the full amount of the marketing quota penalty for each pound of tobacco involved in any case in which a buyer, dealer or warehouse operator knows, or has to reason to suspect, that the marketing is, or has been, made without a proper marketing card or is, or has been, made with a card which the dealer, buyer, warehouse operator, or their agents have reason to suspect, is not a valid marketing or is made under

circumstances which give cause to suspect that the marketing is not valid or is made in derogation of the tobacco marketing quota and price support program.

(2) The amount of penalty collected may be deducted from the proceeds of the sale of the tobacco. All such penalty collections shall be the responsibility of each buyer dealer, or warehouse operator involved, and their agents, and shall be remitted to FSA as provided for in this part.

(3) The collection and remittance of penalty shall be in addition to any other obligations that such person may have to collect other amounts, including other penalties or assessments due on such marketings.

(4) If a penalty is collected and remitted by a buyer, dealer, or warehouse operator that is shown not to be due or only partially due, then the overpayment shall be refunded to the appropriate party. It is the responsibility of the person that collected the penalty and the person that sold the tobacco involved to show to the satisfaction of the FSA that such penalty is not due in the full amount collected.

* * * * *

(e) * * *

(1) For amounts of $100 or less, the county FSA committee, and

(2) For amounts over $100, the county FSA committee with approval of the State FSA committee determines that each of the following conditions is applicable:

* * * * *

(f) *Refusal to contribute required assessments.* A marketing penalty at the full rate per pound is due on each pound of tobacco marketed from a farm when the farm operator or producers refuse to pay no-net-cost or marketing assessments as provided in part 1464 of this title. In all such cases, the farm from which the tobacco has been produced shall be considered to have a marketing quota of zero pounds and an allotment of zero acres.

9. Part 723 subpart E is revised to read as follows:

Subpart E—Establishing Burley and Flue-Cured Tobacco National Marketing Quotas

Sec.

§ 723.501 Scope.

This subpart sets out regulations for setting annual national marketing quotas for burley and flue-cured tobacco based on the purchase intentions of certain manufacturers of cigarettes and on other factors. It also sets out penalty provisions for manufacturers who fail to purchase, within the tolerances set in this part, the amount of domestic tobacco, by kind, reflected in the stated intention as accounted for in accordance with this subpart.

§ 723.502 Definitions.

In addition to the definitions set forth at § 723.104, the definitions set forth in this section shall be applicable for purposes of administering the provisions of this subpart.

CCC. The Commodity Credit Corporation, an instrumentality of the USDA.

Domestic manufacturer. A domestic manufacturer of cigarettes.

Domestic manufacturer of cigarettes. A manufacturer who, as determined by the Director, produces and sells more than 1 percent of the cigarettes produced and sold in the United States annually.

Price support inventory. The inventory of tobacco which, with respect to a particular kind of tobacco, has been pledged as collateral for a price support loan made by CCC through a producer-owned cooperative marketing association.

Producer-owned cooperative marketing associations. Those associations, or their successors, which by law act as agents for producers for price support loans for tobacco, and which were, as of January 1, 1996, for burley and flue-cured tobacco, the Burley Tobacco Growers Cooperative Association, the Burley Stabilization Corporation, and the Flue-Cured Tobacco Cooperative Stabilization Corporation.

Unmanufactured tobacco. Stemmed and unstemmed leaf tobacco, stems, trimmings, and scrap tobacco.

§ 723.503 Establishing the quotas.

(a) *General.* Subject to the 3 percent adjustment provided for in paragraph(b) of this section, the annual marketing quotas for burley and flue-cured tobacco shall be calculated for each marketing year for each kind separately as follows:

(1) *Domestic manufacturer purchase intentions.* First, for each kind and year, the Director shall calculate the aggregate relevant purchaser intentions as declared or set under this section.

(2) *Exports.* Next, the Director shall add to the total determined under paragraph(a)(1) of this section the amount which is equal to the Director's determination of the average quantity of exported domestic leaf tobacco of the applicable kind for the past 3 marketing years. For this purpose, exports include unmanufactured tobacco only, including, but not limited to, stemmed and unstemmed leaf tobacco, stems, trimmings, and scrap tobacco, and excludes tobacco contained in manufactured products including, but not limited to cigarettes, cigars, smoking tobacco, chewing tobacco, snuff and semi-processed bulk smoking tobacco. The quantity of exports for the most recent year, as needed, may be estimated.

(3) *Reserve stock level adjustment.* The Director may then adjust the total calculated by adding the sums of paragraph(a)(1) and (a)(2) of this section, by making such adjustment which the Director, in his discretion, determines necessary to maintain inventory levels held by producer loan associations for burley and flue-cured tobacco at the reserve stock level. For burley tobacco, the reserve stock level for these purposes is the larger of 50 million pounds farm sales weight or 15 percent of the previous year's national marketing quota. For flue-cured tobacco, the reserve stock level for these purposes is the larger of 100 million pounds farm sales weight or 15 percent of the previous year's national marketing quota. Any adjustment under this clause shall be discretionary taking into account supply conditions; however, for burley tobacco no downward adjustment under this clause may exceed the larger of 35 million pounds (farm sales weight) or 50 percent of the amount by which loan inventories exceed the reserve stock level.

(b) *Additional 3 percent adjustment.* The amount otherwise calculated under paragraph(a) of this section may be adjusted by the Director by 3 percent of the total. This adjustment is discretionary and may be made irrespective of whether any adjustment has been made under paragraph(a)(3), of this section and may be made to the extent the Director deems such an adjustment is in the best interest of the program.

(c) *Dates of announcement.* For flue-cured tobacco, the quota determination should be announced by December 15 preceding the marketing year. For burley, the announcement should be made by February 1 preceding the marketing year.

§ 723.504 Manufacturers' intentions; penalties.

(a) *Generally.* Each domestic manufacturer shall, for each marketing year, for burley and flue-cured tobacco separately, submit a statement of its intended purchases of eligible tobacco

by the dates prescribed in paragraph (d)of this section; further, at the end of the marketing year, each such manufacturer shall submit a statement of its actual countable purchases of eligible tobacco for that marketing year, by kind, for burley and flue-cured tobacco. For these purposes, countable purchases of eligible tobacco shall be as defined in, and determined under, paragraph (b) of this section. If a domestic manufacturer fails to file a statement of intentions, the Director shall declare the amount which will be considered that manufacturer's intentions for the marketing year. That declaration by the Director shall be based on the domestic manufacturer's previous reports or such other information as is deemed appropriate by the Director in the Director's discretion. Notice of the amount so declared shall be forwarded to the domestic manufacturer. If the domestic manufacturer fails to file a year-end report or files an inaccurate or incomplete report, then the Director may deem that the manufacturer has no purchases to report or take such other action as the Director believes is appropriate to fulfill the goals of this section. Intentions and purchases of countable tobacco will be compared for purposes of determining whether a penalty is due from the domestic manufacturer.

(b) *Eligible tobacco for statements of intentions and countable purchases toward those intentions.* For reports and determinations under this section, eligible tobacco for purposes of determining the countable purchases under paragraph (a) of this section will be unmanufactured domestic tobacco of the relevant kind for use to manufacture, for domestic or foreign consumption, cigarettes, semi-processed bulk smoking tobacco, and other tobacco products. Eligible tobacco for these purposes does not include tobacco purchased for export as leaf tobacco, stems, trimmings, or scrap. Countable purchases of eligible tobacco shall include purchases of eligible tobacco made by domestic manufacturers directly from the producers, from a regular auction market, or from the price support loan inventory and shall also include purchases by the manufacturer where the manufacturer purchases or acquires the tobacco from dealers or buyers who purchased the tobacco for the domestic manufacturer during the relevant marketing year directly from a producer, at a regular auction market, or from the price support loan inventory.

(c) *Weight basis and nature of reports.* The weight basis used for all reports and comparisons shall be a farm sales weight basis unless the Director permits otherwise and all reports will be considered to have been made on that basis unless the report clearly states otherwise. Submitted reports shall be deemed to cover countable purchases of eligible tobacco only.

(d) *Due dates and addresses for reports.* For flue-cured tobacco the domestic manufacturer's statement of intentions shall be submitted by December 1 before the marketing year and the year-end report shall be submitted by August 20 following the end of the marketing year. Those dates for burley tobacco are January 15 and November 20, respectively. Reports shall be mailed or delivered to the Director, Tobacco and Peanuts Division, STOP 0514, P.O. Box 2415, Washington, DC 20013–2415.

(e) *Penalties.* A domestic manufacturer shall be liable for a penalty equal to twice the purchaser's no-net-cost assessment rate per pound for the applicable kind of tobacco for the relevant marketing year, if the manufacturer's purchases of either burley or flue-cured tobacco for the marketing year do not equal or exceed, as determined by the Director, 90 percent of their stated purchase intentions for that kind of tobacco for the relevant marketing year. The Director shall adjust the domestic manufacturer's intentions, however, to the extent, that producers have not produced the full amount of the national quota for the relevant marketing year for the particular kind of tobacco. The burden of establishing all purchases shall be with the domestic manufacturer and the Director may, in the case of indirect purchases for the manufacturer, require that the manufacturer obtain verification of the purchases by the dealer who made the purchase from the producer, at a regular auction market, or from the price support loan inventory, in order to assure that the tobacco was countable tobacco. The Director may require such additional information as determined needed to enforce this subpart.

(f) *Penalty notice and penalty remittance.* Penalties will be assessed after notice and an opportunity for a hearing before the Director. Remittances are to be made to the CCC and will be credited to the applicable producer loan association's no-net-cost fund or account as provided for in part 1464 of this title.

(g) *Maintenance and examination of records.* Each domestic manufacturer shall keep all relevant records of purchases, by kind, of burley and flue-cured tobacco for a period of at least 3 years. The Director, Office of Inspector General, or other duly authorized representative of the United States may examine such records, receipts, computer files, or other information held by a domestic manufacturer that may be used to verify or audit such manufacturer's reports. The reasonable cost of such examination or audit may be charged to the domestic manufacturer who is the subject of the examination or audit. All records examined or received under this part by officials of the Department of Agriculture shall be kept confidential to the extent required by law.

§§ 723.1 through 723.504 [Amended]

10. Part 723 sections 723.1 through 723.504 are further amended by removing ''ASC'' wherever it appears and substituting ''FSA'' in its place.

Signed at Washington, DC, on March 11, 1997.

Bruce R. Weber,

Administrator, Farm Service Agency

[FR Doc. 97–6732 Filed 3–20–97; 8:45 am]

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Agricultural Marketing Service

7 CFR Part 1215

[FV–96–706PR]

Proposed Popcorn Promotion, Research, and Consumer Information Order; Referendum Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule and referendum order.

SUMMARY: This proposed rule would establish an industry-funded promotion, research, and consumer information program for popcorn. An order for the proposed program—the Popcorn Promotion, Research, and Consumer Information Order (Order)—was submitted to the Department by the Popcorn Institute. Under the proposed Order, processors would pay an assessment rate of 5 cents per hundredweight of popcorn to the proposed Popcorn Board (Board). Composed of popcorn processors, the Board would use the assessments collected to conduct a generic program of promotion, research, and consumer information to maintain and expand markets for popcorn. In addition, the U.S. Department of Agriculture is announcing that a referendum will be conducted among eligible popcorn processors to determine whether they favor the implementation of the program.

DATES: In order to be eligible to vote, popcorn processors must have processed and marketed more than 4 million pounds during the period from January 1 through December 31, 1996 (representative period). The referendum will be conducted from April 15 through 30, 1997.

FOR FURTHER INFORMATION CONTACT: Stacey L. Bryson, Research and Promotion Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2535–S, Washington, DC 20090–6456, telephone (888) 720–9917 or (202) 720–6930.

SUPPLEMENTARY INFORMATION: This proposed order is issued under the Popcorn Promotion, Research, and Consumer Information Act, (7 U.S.C. 7481–7491), hereinafter referred to as the Act.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. Further, section 580 of the Act states that nothing in the popcorn statute preempts or supersedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under § 577 of the Act, after an Order is implemented, a person subject to the Order may file a petition with the Secretary stating that the Order or any provision of the Order, or any obligation imposed in connection with the Order, is not in accordance with law and requesting a modification of the Order or an exemption from the Order. The petitioner is afforded the opportunity for a hearing on the petition. After such hearing, the Secretary will make a ruling on the petition. The Act provides that the district courts of the United States in any district in which a person who is a petitioner resides or carries on business are vested with jurisdiction to review the Secretary's ruling on the petition, if a complaint for that purpose is filed within 20 days after the date of the entry of the ruling.

Executive Order 12866 and Regulatory Flexibility Act

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

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Agency has examined the impact of the proposed rule on small entities.

Legislation to create a generic program of promotion and research for popcorn became effective on April 4, 1996. Congress found that this program is vital to the welfare of popcorn processors and persons concerned with marketing, using, and producing popcorn for the market, as well as to the agricultural economy of the United States.

This program is intended to develop and finance an effective and coordinated program of promotion, research, and consumer information to maintain and expand the markets for popcorn. The program was initiated by the popcorn industry, which must approve the program in a referendum in advance of its implementation, and industry members would serve on the Board that would administer the program under the Department's supervision. In addition, any person subject to the program may file with the Secretary a petition stating that the order or any provision is not in accordance with law and requesting a modification of the order or an exemption from the order. Administrative proceedings were discussed earlier in this proposed rule.

In this program, processors would submit assessments and reports to the Board. In addition, exempt processors would be required to file an exemption application. While the proposed Order would impose certain recordkeeping requirements on processors, information required under the proposed Order could be compiled from records currently maintained. The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. The estimated cost in providing information to the Board by the estimated 67 respondents would be $40.32 per respondent annually.

The Department would oversee program operations and, if the program is implemented, the Secretary may conduct referenda at the request of the Board or a representative group of processors to determine whether the popcorn industry supports continuation of the program.

There are approximately 35 processors who would pay the assessments, out of an industry of 67 processors in total.

Small agricultural service firms, which would include processors who would be covered under the Order, have been defined by the Small Business Administration (13 CFR 121.607) as those whose annual receipts are less than $5 million.

Almost 50 percent of the industry would be exempt from the program. Those processors marketing 4 million pounds of popcorn or less annually would be exempt from the proposed Order. It is also estimated that only 2 of the 35 eligible processors would be classified as small entities. Those processors marketing more than 4 million pounds of popcorn annually represent the majority of the tonnage processed each year.

The Department will seek ways to minimize the burden of complying with the program for the small businesses that would be affected by it. If the program is implemented, a compliance guide will be issued for the small businesses that will pay assessments as well as those that will be exempt. In addition, the Department will work with the Popcorn Board to ensure, to the extent practicable, that the procedures implemented represent the least burdensome alternatives.

It is estimated that there are 35 popcorn processors who will be eligible to vote in the referendum. It will take an average 15 minutes for each voter to read the voting instructions and complete the referendum ballot. The total burden on the total number of voters will be 2.9 hours.

The information collection requirements under the Order require the minimum information necessary to effectively carry out the requirement of the program, and their use is necessary to fulfill the intent of the Act. The monthly collection of information coincides with normal business practices and can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the Board. The estimated cost in providing information to the Board by the estimated 67 respondents would be $19.28 per respondent annually. This total has been estimated by multiplying 129.15 (total burden hours requested) by $10.00 per hour, a sum deemed to be reasonable if the respondents were compensated for their time.

According to the Popcorn Institute (Institute), a trade association consisting of popcorn processors representing the industry, annual sales of popcorn were 77.240 million pounds less in 1994 than they were in 1993, when sales totaled approximately 1.156 billion pounds.

The peak period for popcorn sales for home consumption is the fall. Sales remain constant throughout the winter

months and taper off during the spring and summer.

Almost all of the popcorn consumed throughout the world is grown in the United States, and Americans consume more popcorn than the citizens of any other country. Popcorn is grown in 19 states. According to the latest Census on Agriculture, the top five major popcorn-producing states in 1992 were, in descending order, Indiana (23 percent), Illinois (19 percent), Nebraska (18 percent), Ohio (10 percent), and Missouri (7 percent). This is the most recent official information on popcorn production released by the U.S. government.

U.S. exports of popcorn totaled nearly 290 million pounds in 1995, with a value of $64.7 million. According to the Snack Food Association, retail sales of popcorn in the United States totaled $1.469 billion in 1994.

The proposed popcorn Order authorizes an initial assessment on processors of 5 cents per hundredweight. The proposed Order provides that the rate of assessment may be raised or lowered as recommended by the Board and approved by the Secretary, but shall not exceed 8 cents per hundredweight in any fiscal year. At the maximum rate of assessment, it is estimated that $800,000 would be collected under the program. The promotion Board would be composed of processors, who would be knowledgeable of the impact of any proposed assessment on processors, and other small entities prior to recommending any change of the assessment rate to the Secretary.

The proposed Order is necessary to accomplish the statutory objectives, to strengthen the position of the popcorn industry in the marketplace, and to maintain and expand domestic and foreign markets and uses for popcorn.

Over the past several years, the popcorn industry pursued several limited efforts to promote the sales and consumption of popcorn. These were financed primarily through voluntary contributions of some, but not all, popcorn processors. Under the limited and voluntary program, the resources available were not adequate to address the issues facing the industry from a national perspective and did not allow the industry to work collectively in an industry-wide manner.

The Order provides the industry with the opportunity to collectively address issues in areas such as nutrition and quality, which individual processors could not effectively accomplish due to lack of resources.

The industry considered pursuing a marketing order; however, industry believes that popcorn is not a commodity covered under the existing marketing order statute. Furthermore, the marketing order system did not lend itself to addressing the issues that the promotion legislation clearly addresses, for example, establishing the definition of a processor.

In order to conduct the Regulatory Flexibility Analysis regarding the impact of this proposed Order on small entities, the proposed rule that was published in the **Federal Register** on September 30, 1996 (61 FR 51046) invited comments concerning the potential effects of the proposed Order. No specific comments were received concerning the impact of the proposed order on small entities except that a comment from the Popcorn Institute did note that the order would be very beneficial to popcorn processors, especially small processors who would not otherwise be able to afford a nationwide comprehensive program.

Paperwork Reduction Act

In accordance with the Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements that would be imposed by this proposed Order were approved by OMB on December 16, 1996.

Title: National Research, Promotion, and Consumer Information Programs.

OMB Number: 0581–0093.

Expiration Date of Approval: October 31, 1997.

Type of Request: Revision of a currently approved information collection for research and promotion programs.

Abstract: The information collection requirements in this request are essential to carry out the intent of the Act.

While the proposed Order would impose certain recordkeeping requirements on processors, information required under the proposed Order could be compiled from records currently maintained. The proposed Order's provisions have been carefully reviewed and every effort has been made to minimize any unnecessary recordkeeping costs or requirements.

Although the proposed Order would impose some additional costs and requirements, it is anticipated that the program under the proposed Order would help to increase the demand and expand markets for popcorn. Therefore, any additional costs should be offset by the benefits derived from expanded markets and sales benefiting all segments of the popcorn industry.

The forms require the minimum information necessary to effectively carry out the requirements of the program, and their use is necessary to fulfill the intent of the Act. Such information can be supplied without data processing equipment or outside technical expertise. In addition, there are no additional training requirements for individuals filling out reports and remitting assessments to the promotion Board. The forms would be simple, easy to understand, and place as small a burden as possible on the person required to file the information.

Collecting information less frequently would hinder the Board from effectively carrying out the provisions of its program. Collecting information monthly coincides with normal business practices. Requiring reports less frequently than monthly would impose additional recordkeeping requirements by requiring information from several months to be consolidated prior to filling out the form rather than just copying end-of-month figures already available on to the forms. The timing and frequency of collecting information is intended to meet the needs of the industry while minimizing the amount of work necessary to fill out the required reports. In addition, the information to be included on these forms is not available from other sources because such information relates specifically to individual processors who are subject to or exempted from the provisions of the Act. Therefore, there is no practical method for collecting the required information without the use of these forms.

In its comments on the proposed order concerning the information collection requirements, the Popcorn Institute reviewed the estimates presented in the proposed rule. It agreed with the Department on the estimates for the exemption application and the referendum ballot. It also stated that each of the information collection requirements presented is necessary for proper functioning of the program and government oversight and that the Board may want to consider developing a system whereby processors could submit the required reports electronically.

However, the Institute raised issues on the other information collections. Regarding nominations, the Institute's comment noted that respondents are not required to provide any other information with the nominations. This is correct. During the nomination process, respondents will nominate individuals to serve on the Board.

Regarding the nominations background statement, the Institute stated that the person making the nomination will submit the information—not the processor who is nominated. The Institute is incorrect in this instance. Each person nominated to serve on the Board must file a background statement with the Secretary of Agriculture. Only the final nominees chosen by the popcorn industry will be required to submit this form. The proposed rule estimated that there would be 20 respondents. This number should be 18 because there will be two nominees for each of the nine seats on the Board. Therefore, we have changed the burden information for this form accordingly.

Regarding the periodic report filed by processors, the Institute correctly points out that the number of responses per respondent would be four (not 12). Therefore, the burden for this form has been changed accordingly.

Regarding the requirement to maintain records, the Institute states in its comment that only processors of more than 4 million pounds of popcorn annually would be required to submit reports. This is correct. However, all processors will be required to maintain records. Processors of more than 4 million pounds of popcorn annually will be required to maintain records to document information contained in the reports they submit which indicate the amount of assessments due. Exempt processors will be required to maintain records to document their exempt status.

The estimated cost in providing information to the Board by the estimated 67 respondents would be $19.28 per respondent annually. This total has been estimated by multiplying 129.15 (total burden hours requested) by $10.00 per hour, a sum deemed to be reasonable if the respondents were compensated for their time.

Information collection requirements that are included in this proposal include:

(1) *A periodic report by each person who processes popcorn.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .5 hours per each processor reporting on popcorn processed.

Respondents: Processors.

Estimated Number of Respondents: 35.

Estimated Number of Responses per Respondent: 4.

Estimated Total Annual Burden on Respondents: 70 hours.

(2) *An exemption application for processor of popcorn processing 4 million pounds or less a year.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hours per response for each exempt processor.

Respondents: Exempt processors.

Estimated Number of Respondents: 32.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 8 hours.

(3) *A referendum ballot to be used to determine whether processors covered by the Order favor implementation or continuance of the Order.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .25 hours per response for each processor.

Respondents: Processors.

Estimated Number of Respondents: 35.

Estimated Number of Responses per Respondent: 1 every 3 years.

Estimated Total Annual Burden on Respondents: 2.9 hours.

(4) *Nominations.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: Processors.

Estimated number of Respondents: 35.

Estimated Number of Responses per Respondent: 1 every 3 years (.33).

Estimated Total Annual Burden on Respondents: 5.75 hours.

(5) *Nominations background statement.*

Estimate of Burden: Public reporting burden for this collection of information is estimated to average .5 hours per response.

Respondents: Processors.

Estimated number of Respondents: 18 for initial Board and 6 annually thereafter.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 9 hours for initial Board and 3 hours annually thereafter.

(6) *A requirement to maintain records sufficient to verify reports submitted under the Order.*

Estimate of Burden: Public recordkeeping burden for keeping this information is estimated to average .5 hours per recordkeeper maintaining such records.

Recordkeepers: Processors.

Estimated number of Recordkeepers: 67.

Estimated Total Recordkeeping Hours: 33.5 hours.

Background

The Act authorizes the Secretary of Agriculture (Secretary) to establish a popcorn promotion, research, and consumer information program. The program would be funded by an assessment on processors not to exceed 8 cents per hundredweight of popcorn.

Assessments would be used to pay for: Promotion, research, and consumer information; administration, maintenance, and functioning of the Board; and expenses incurred by the Secretary in implementing and administering the Order, including referendum costs.

Consistent with the Act, processors would be required to maintain records regarding the collection, payment, or remittance of the assessments. All information obtained through processor reports would be kept confidential.

Assessments would be collected in a manner prescribed by the Board. The collection of assessments would commence on all popcorn processed in the United States on or after the date established by the Secretary, and would continue until terminated by the Secretary.

The Act requires the Secretary to conduct a referendum during the 60-day period preceding the proposed Order's effective date. Popcorn processors of more than 4 million pounds annually would vote in the referendum to determine whether they favor the proposed Order's implementation. The proposed Order must be approved by a majority of eligible processors voting in the referendum, and processors favoring approval must process more than 50 percent of the total volume of popcorn processed by persons voting in the referendum. Subsequent referenda would be conducted not earlier than three years after the effective date of the proposed Order at the request of the Board or a representative group of processors covered by the proposed Order.

A final rule on the referendum procedures which will be used is published separately in this issue of the **Federal Register**.

The Act provides for the submission of proposals for a popcorn promotion, research, and consumer information order by industry organizations or any other interested person affected by the Act. As stated earlier, the Act requires that the proposed Order provide for the establishment of the Board. The Board would be composed of nine members. Each member would serve a three-year term of office.

The Department issued a news release on May 22, 1996, requesting proposals

for an initial Order or portions of an initial Order.

An entire proposed Order was submitted by the Institute. In addition to minor editorial changes, the Department modified the Institute's proposed text by: adding definitions for ''Part and subpart;'' ''Board member;'' and ''State;'' combining the nominations and appointment sections; adding the requirement that the industry submit two nominees per position and a term of office limitation; creating a section on the removal of Board members; adding the duty for the Board to investigate violations of the Act, Order, and regulations; creating a contracts section; adding four requirements for budgets and expenses; providing that the Department's user fee shall not exceed 15 percent of the Board's projected annual revenues (the Popcorn Institute had recommended a 10 percent cap, which is inconsistent with the Act); limiting the Board's borrowing authority to its first year of operation; adding a reference to federal debt collection provisions; and adding the requirement for processors to provide the Board with their Social Security Number or Employer Identification Number and the amount of assessments paid on exported popcorn. In addition, the Department drafted proposed exemption procedures. Additional modifications were also made to provide consistency with the Act.

A proposed rule seeking comments on a proposed popcorn promotion, research, and consumer information order was published on September 30, 1996, in the **Federal Register** (61 FR 51046). Comments were to be received by November 29, 1996. Six comments concerning the proposed rulemaking were received. One comment was from the Popcorn Institute concerning information collection requirements. This comment has been discussed herein in relation to the Paperwork Reduction Act. A second comment was received from the Popcorn Institute. That comment suggested adoption of the proposed rule and provided a section-by-section analysis of the proposed Order. Separate comments were received from five popcorn processors supporting the comments submitted by the Popcorn Institute.

In the Popcorn Institute's section by section analysis, there were references to implementation of the Order and regulations. Any Order and regulations promulgated will be issued and applied in accordance with the applicable law, including the Popcorn Promotion, Research, and Consumer Information Act.

Except for a revision in § 1215.60(a)(4) for clarity, no changes to the proposed Order are made as a result of the comments received on the text of the Order provisions as they were proposed in the September 30, 1996, **Federal Register**.

The proposed Order is summarized as follows:

Sections 1215.1 through 1215.20 of the proposed Order define certain terms, such as popcorn, processor, and process, which are used in the proposed Order.

Sections 1215.21 through 1215.30 include provisions relating to the establishment and membership of the Board; nominations and appointment; terms of office; vacancies; removal; procedure; compensation and reimbursement; powers; and duties of the Board. The Board would be the body organized to administer the Order through the implementation of programs, plans, projects, budgets, and contracts to promote and disseminate information about popcorn, under the supervision of the Secretary. Further, the Board would be authorized to incur expenses necessary for the performance of its duties and to set a reserve fund. Sections 1215.40 through 1215.41 and 1215.50 provide information on these activities.

Sections 1215.51 through 1215.53 would authorize the collection of assessments, specify who pays them and how, and specifies individuals who would be exempt from paying the assessment. In addition, it would prohibit use of funds to influence government policy or action.

Except as otherwise provided by the Board and approved by the Secretary, the rate of assessment would be 5 cents per hundredweight of popcorn.

The assessment section also outlines the procedures to be followed by processors for remitting assessments and authorize a interest charge for unpaid or late assessments.

Sections 1215.60 through 1215.62 concern reporting and recordkeeping requirements for persons subject to the Order and protect the confidentiality of information obtained from such books, records, or reports.

Sections 1215.60 through 1215.63 describe the rights of the Secretary, authorize the Secretary to suspend or terminate the Order when deemed appropriate, and prescribe proceedings after suspension or termination.

Sections 1215.64 through 1215.77 include the provisions involving personal liability of Board members and employees; handling of patents, copyrights, inventions, and others; amendments to the Order; and separability of Order provisions.

In addition, the Institute states that the term ''initially transferred'' with reference to the number of pounds of popcorn marketed or otherwise subject to assessments in § 1215.60(a)(4) is confusing and should be removed. This change has merit. Therefore, § 1215.60(a)(4) is changed accordingly.

Referendum Order

It is hereby directed that a referendum be conducted among popcorn processors to determine whether they favor implementation of the Popcorn Promotion, Research, and Consumer Information Order.

The referendum shall be conducted from April 15 through 30, 1997. Ballots will be mailed to all known eligible popcorn processors on or before April 7, 1997. Eligible voters that do not receive a ballot by mail should call the following toll-free telephone number to receive a ballot: 1 (888) 720–9917. All ballots will be subject to verification. Ballots must be received by the referendum agents no later than April 30, 1997, to be counted.

Stacey L. Bryson and Martha B. Ransom, Research and Promotion Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535–S, PO Box 96456, Washington, DC 20090–6456, are designated as the referendum agents of the Secretary of Agriculture to conduct the referendum. The Procedure for the Conduct of Referenda in Connection with the Popcorn Promotion, Research, and Consumer Information Order, 7 CFR 1215.500–1215.507, which is being published separately, shall be used to conduct the referendum.

List of Subjects in 7 CFR Part 1215

Administrative practice and procedure, Advertising, Consumer information, Marketing agreements, Popcorn, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that Title 7, chapter XI of the Code of Federal Regulations be amended as follows:

1. Part 1215 is proposed to be added to read as follows:

PART 1215—POPCORN PROMOTION, RESEARCH, AND CONSUMER INFORMATION

Subpart A—Popcorn Promotion, Research, and Consumer Information Order

Definitions

Popcorn Board

Promotion, Research, Consumer Information, and Industry Information

Expenses and Assessments

Reports, Books, and Records

Miscellaneous

Subpart B—Rules and Regulations

Definitions

Exemption Procedures

Miscellaneous

Authority: 7 U.S.C. 7481–7491.

Subpart A—Popcorn Promotion, Research, and Consumer Information Order

Definitions

§ 1215.1 Act.

Act means the Popcorn Promotion, Research, and Consumer Information Act of 1995, Subtitle E of Title V of the Federal Agriculture Improvement and Reform Act of 1996, Pub. L. 104–127, 7 U.S.C. 7481–7491, and any amendments thereto.

§ 1215.2 Board.

Board means the Popcorn Board established under section 575(b) of the Act.

§ 1215.3 Board member.

Board member means an officer or employee of a processor appointed by the Secretary to serve on the Popcorn Board as a representative of that processor.

§ 1215.4 Commerce.

Commerce means interstate, foreign, or intrastate commerce.

§ 1215.5 Consumer information.

Consumer information means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchasing, preparing, and use of popcorn.

§ 1215.6 Department.

Department means the United States Department of Agriculture.

§ 1215.7 Fiscal year.

Fiscal year means the 12-month period from January 1 through December 31 each year, or such other period as recommended by the Board and approved by the Secretary.

§ 1215.8 Industry information.

Industry information means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the popcorn industry, or activities to enhance the image of the popcorn industry.

§ 1215.9 Marketing.

Marketing means the sale or other disposition of unpopped popcorn for human consumption in a channel of commerce but shall not include sales or disposition to or between processors.

§ 1215.10 Part and subpart.

Part means the Popcorn Promotion, Research, and Consumer Information Order and all rules and regulations and supplemental orders issued thereunder, and the term subpart means the Popcorn Promotion, Research, and Consumer Information Order.

§ 1215.11 Person.

Person means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

§ 1215.12 Popcorn.

Popcorn means unpopped popcorn (Zea Mays L) that is commercially grown, processed in the United States by shelling, cleaning, or drying, and introduced into a channel of commerce.

§ 1215.13 Process.

Process means to shell, clean, dry, and prepare popcorn for the market, but does not include packaging popcorn for the market without also engaging in another activity described in this paragraph.

§ 1215.14 Processor.

Processor means a person engaged in the preparation of unpopped popcorn for the market who owns or who shares the ownership and risk of loss of such popcorn and who processes and distributes over 4 million pounds of popcorn in the market per year.

§ 1215.15 Programs, plans, and projects.

Programs, plans, and projects means promotion, research, consumer information, and industry information plans, studies, projects, or programs conducted pursuant to this part.

§ 1215.16 Promotion.

Promotion means any action, including paid advertising, to enhance the image or desirability of popcorn.

§ 1215.17 Research.

Research means any type of study to advance the image, desirability, marketability, production, product development, quality, or nutritional value of popcorn.

§ 1215.18 Secretary.

Secretary means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Secretary's stead.

§ 1215.19 State.

State means each of the 50 States and the District of Columbia.

§ 1215.20 United States.

United States means all of the States.

Popcorn Board

§ 1215.21 Establishment and membership.

(a) There is hereby established a Popcorn Board of nine members. The number of members on the Board may be changed by regulation: *Provided,* That the Board consist of not fewer than four members and not more than nine members. The Board shall be composed of popcorn processors appointed by the Secretary under § 1215.24.

(b) For purposes of nominating and appointing processors to the Board, the Secretary shall, to the extent practicable, take into account the geographic distribution of popcorn production.

(c) No more than one officer or employee of a processor may serve as a Board member at the same time.

§ 1215.22 Nominations and appointment.

(a) All nominations for appointments to the Board established under § 1215.21 shall be made as follows:

(1) As soon as practicable after the effective date of this subpart, nominations for appointment to the initial Board shall be obtained from processors by the Secretary. In any subsequent year in which an appointment to the Board is to be made, nominations for positions for which the term will expire at the end of that year shall be obtained from processors at least six months prior to the expiration of terms.

(2) Except for initial Board members, whose nomination process will be initiated by the Secretary, the Board shall issue a call for nominations in each year for which an appointment to the Board is to be made. The call shall include, at a minimum, the following information:

(i) A list of the vacancies for which nominees may be submitted and qualifications for nomination; and

(ii) The date by which the names of nominees shall be submitted to the Secretary for consideration to be in compliance with paragraph (a) of this section.

(3)(i) Nominations for each position shall be made by processors. Notice shall be publicized to all processors.

(ii) All processors may participate in submitting nominations.

(4) Two nominees must be submitted for each vacancy. If processors fail to nominate a sufficient number of nominees, additional nominees shall be obtained in a manner prescribed by the Secretary.

(b) The Secretary shall appoint the members of the Board from nominations made in accordance with paragraph (a). of this section.

(1) The Secretary may reject any nominee submitted. If there is an insufficient number of nominees from whom to appoint members to the Board as a result of the Secretary's rejecting such nominees, additional nominees shall be submitted to the Secretary in a manner prescribed by the Secretary.

(2) Whenever processors cannot agree on nominees for a position on the Board under the preceding provisions of this section, or whenever they fail to nominate individuals for appointment to the Board, the Secretary may appoint members in such a manner as the Secretary determines appropriate.

(3) If a processor nominates more than one officer or employee, only one may be appointed to the Board by the Secretary.

§ 1215.23 Acceptance.

Each individual nominated for membership of the Board shall qualify by filing a written acceptance with the Secretary at the time of nomination.

§ 1215.24 Term of office.

(a) The members of the Board shall serve for terms of three years, except that members appointed to the initial Board shall serve, to the extent practicable, proportionately for terms of two, three, and four years.

(b)(1) Except with respect to terms of office of the initial Board, the term of office for each Board member shall begin on the date the member is seated at the Board's annual meeting or such other date that may be approved by the Secretary.

(2) The term of office for the initial Board member shall begin immediately following the appointment by the Secretary.

(c) Board members shall serve during the term of office for which they are appointed and have qualified, and until their successors are appointed and have qualified.

(d) No Board member may serve more than two consecutive three-year terms, except as provided in § 1215.25(d). Initial members serving two-or four-year terms may serve one successive three-year term.

§ 1215.25 Vacancies.

(a) To fill any vacancy occasioned by the death, removal, resignation, or disqualification of any member of the Board, the Secretary may appoint a successor from the most recent nominations submitted for positions on the Board or the Secretary may obtain nominees to fill such vacancy in such a manner as the Secretary deems appropriate.

(b) Each such successor appointment shall be for the remainder of the term vacated.

(c) A vacancy will not be required to be filled if the unexpired term is less than six months.

(d) If an unexpired term is less than 1.5 years, serving the term shall not prevent the appointee from serving two successive three-year terms.

(e) A Board member shall be disqualified from serving on the Board if such individual ceases to be affiliated with the processor the member represents.

§ 1215.26 Removal.

If a member of the Board consistently refuses to perform the duties of a member of the Board, or if a member of the Board is known to be engaged in acts of dishonesty or willful misconduct, the Board may recommend to the Secretary that the member be removed from office. Further, without recommendation of the Board, a member may be removed by the Secretary upon showing of adequate cause, including the failure by a member to submit reports or remit assessments required under this part, if the Secretary determines that such member's continued service would be detrimental to the achievement of the purposes of the Act.

§ 1215.27 Procedure.

(a) At a properly convened meeting of the Board, a majority of the members shall constitute a quorum.

(b) Each member of the Board will be entitled to one vote on any matter put to the Board, and the motion will carry if supported by a simple majority of those voting. At assembled meetings of the Board, all votes will be cast in person.

(c) In lieu of voting at a properly convened meeting and, when in the opinion of the chairperson of the Board such action is considered necessary, the Board may take action upon the concurring votes by a majority of its members by mail, telephone, facsimile, or any other means of communication. If appropriate, any such action shall be confirmed promptly in writing. In that event, all members must be given prior notice and provided the opportunity to vote. Any action so taken shall have the same force and effect as though such action had been taken at a properly convened meeting of the Board. All votes shall be recorded in Board minutes.

(d) Meetings of the Board may be conducted by electronic communications, provided that each member is given prior notice of the

meeting and has the opportunity to be present either physically or by electronic connection.

(e) The organization of the Board and the procedures for conducting meetings of the Board shall be in accordance with its bylaws, which shall be established by the Board and approved by the Secretary.

§ 1215.28 Compensation and reimbursement.

The members of the Board shall serve without compensation but shall be reimbursed for necessary and reasonable expenses incurred by such members in the performance of their responsibilities under this subpart.

§ 1215.29 Powers.

The Board shall have the following powers:

(a) To administer the Order in accordance with its terms and provisions;

(b) To make rules and regulations to effectuate the terms and provisions of the Order;

(c) To select committees and subcommittees of Board members, including an executive committee, and to adopt such bylaws and other rules for the conduct of its business as it may deem advisable;

(d) To appoint or employ such individuals as it may deem necessary, define the duties, and determine the compensation of such individuals;

(e) To disseminate information to processors or industry organizations through programs or by direct contact using the public postal system or other systems;

(f) To propose, receive, evaluate and approve budgets, plans and projects of popcorn promotion, research, consumer information and industry information, as well as to contract with the approval of the Secretary with appropriate persons to implement plans and projects.

(g) To receive, investigate, and report to the Secretary for action any complaints of violations of the Order;

(h) To recommend to the Secretary amendments to the order;

(i) To accept or receive voluntary contributions;

(j) To invest, pending disbursement pursuant to a program, plan or project, funds collected through assessments authorized under this Act provided for in § 1215.51, and any other funds received by the Board in, and only in, obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest bearing account or certificate of deposit or a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States.

(k) With the approval of the Secretary, to enter into contracts or agreements with national, regional, or State popcorn processor organizations, or other organizations or entities, for the development and conduct of programs, plans or projects authorized under § 1215.40 and for the payment of the cost of such programs with assessments received pursuant to this subpart; and

(l) Such other powers as may be approved by the Secretary.

§ 1215.30 Duties.

The Board shall have the following duties:

(a) To meet not less than annually, and to organize and select from among its members a chairperson and such other officers as may be necessary;

(b) To evaluate or develop, and submit to the Secretary for approval, promotion, research, consumer information, and industry information programs, plans or projects;

(c) To prepare for each fiscal year, and submit to the Secretary for approval at least 60 days prior to the beginning of each fiscal year, a budget of its anticipated expenses and disbursements in the administration of this subpart, as provided in § 1215.50;

(d) To maintain such books and records, which shall be available to the Secretary for inspection and audit, and to prepare and submit such reports from time to time to the Secretary, as the Secretary may prescribe, and to make appropriate accounting with respect to the receipt and disbursement of all funds entrusted to it;

(e) To prepare and make public, at least annually, a report of its activities carried out, and an accounting for funds received and expended;

(f) To cause its financial statements to be prepared in conformity with generally accepted accounting principles and to be audited by an independent certified public accountant in accordance with generally accepted auditing standards at least once each fiscal year and at such other times as the Secretary may request, and submit a copy of each such audit to the Secretary;

(g) To give the Secretary the same notice of meetings of the Board as is given to members in order that the Secretary, or a representative of the Secretary, may attend such meetings;

(h) To submit to the Secretary such information as may be requested pursuant to this subpart;

(i) To keep minutes, books and records that clearly reflect all the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(j) To act as intermediary between the Secretary and any processor;

(k) To investigate violations of the Act, order, and regulations issued under the order, conduct audits, and report the results of such investigations and audits to the Secretary for appropriate action to enforce the provisions of the Act, order, and regulations; and

(l) To work to achieve an effective, continuous, and coordinated program of promotion, research, consumer information, and industry information designed to strengthen the popcorn industry's position in the marketplace, maintain and expand existing markets and uses for popcorn, develop new markets and uses for popcorn, and to carry out programs, plans, and projects designed to provide maximum benefits to the popcorn industry.

Promotion, Research, Consumer Information, and Industry Information

§ 1215.40 Programs, plans, and projects.

(a) The Board shall receive and evaluate, or on its own initiative develop, and submit to the Secretary for approval any program, plan or project authorized under this subpart. Such programs, plans or projects shall provide for:

(1) The establishment, issuance, effectuation, and administration of appropriate programs for promotion, research, consumer information, and industry information with respect to popcorn; and

(2) The establishment and conduct of research with respect to the sale, distribution, marketing, and use of popcorn, and the creation of new uses thereof, to the end that the marketing and use of popcorn may be encouraged, expanded, improved, or made more acceptable.

(b) No program, plan, or project shall be implemented prior to its approval by the Secretary. Once a program, plan, or project is so approved, the Board may take appropriate steps to implement it.

(c) Each program, plan, or project implemented under this subpart shall be reviewed or evaluated periodically by the Board to ensure that it contributes to an effective program of promotion, research, consumer information, or industry information. If it is found by the Board that any such program, plan, or project does not contribute to an effective program of promotion, research, consumer information, or industry information, then the Board shall terminate such program, plan, or project.

(d) In carrying out any program, plan, or project, no reference to a brand name, trade name, or State or regional identification of any popcorn will be made. In addition, no program, plan, or project shall make use of unfair or deceptive acts or practices with respect to the quality, value, or use of any competing product.

§ 1215.41 Contracts.

The Board shall not contract with any processor for the purpose of promotion or research. The Board may lease physical facilities from a processor for such promotion or research, if such an arrangement is determined to be cost effective by the Board and approved by the Secretary. Any contract or agreement shall provide that:

(a) The contractor or agreeing party shall develop and submit to the Board a program, plan or project together with a budget or budgets that shall show the estimated cost to be incurred for such program, plan, or project;

(b) Any such program, plan, or project shall become effective upon approval by the Secretary;

(c) The contracting or agreeing party shall keep accurate records of all of its transactions and make periodic reports to the Board of activities conducted, submit accountings for funds received and expended, and make such other reports as the Secretary or the Board may require; and the Secretary may audit the records of the contracting or agreeing party periodically; and

(d) Any subcontractor who enters into a contract with a Board contractor and who receives or otherwise uses funds allocated by the Board shall be subject to the same provisions as the contractor.

Expenses and Assessments

§ 1215.50 Budget and expenses.

(a) At least 60 days prior to the beginning of each fiscal year, and as may be necessary thereafter, the Board shall prepare and submit to the Secretary a budget for the fiscal year covering its anticipated expenses and disbursements in administering this subpart.

(b) Each budget shall include:

(1) A rate of assessment for such fiscal year calculated, subject to § 1215.51(b), to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in paragraph (g) of this section;

(2) A statement of the objectives and strategy for each program, plan, or project;

(3) A summary of anticipated revenue, with comparative data for at least one preceding year;

(4) A summary of proposed expenditures for each program, plan, or project; and

(5) Staff and administrative expense breakdowns, with comparative data for at least one preceding year.

(c) In budgeting plans and projects of promotion, research, consumer information, and industry information, the Board shall expend assessment and contribution funds on:

(1) Plans and projects for popcorn marketed in the United States or Canada in proportion to the amount of assessments projected to be collected on domestically marketed popcorn (including Canada); and

(2) Plans and projects for exported popcorn in proportion to the amount of assessments projected to be collected on exported popcorn (excluding Canada).

(d) The Board is authorized to incur such reasonable expenses, including provision for a reasonable reserve, as the Secretary finds are reasonable and likely to be incurred by the Board for its maintenance and functioning, and to enable it to exercise its powers and perform its duties in accordance with the provisions of this subpart. Such expenses shall be paid from funds received by the Board.

(e) The Board may accept voluntary contributions, but these shall only be used to pay expenses incurred in the conduct of programs, plans, and projects approved by the Secretary. Such contributions shall be free from any encumbrances by the donor and the Board shall retain complete control of their use. The Board may also receive funds provided through the Foreign Agricultural Service of the United States Department of Agriculture for foreign marketing activities.

(f) As stated in § 575(f)(4)(A)(ii) of the Act, the Board shall reimburse the Secretary, from funds received by the Board, for costs incurred by the Secretary in implementing and administering this subpart: *Provided*, That the costs incurred by the Secretary to be reimbursed by the Board, excluding legal costs to defend and enforce the order, shall not exceed 15 percent of the projected annual revenues of the Board.

(g) The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in any reserve so established, except that the funds in this reserve shall not exceed approximately one fiscal year's expenses. Such reserve funds may be used to defray any expenses authorized under this subpart.

(h) With the approval of the Secretary, the Board may borrow money for the payment of administrative expenses, subject to the same fiscal, budget, and audit controls as other funds of the Board during its first year of operation only.

§ 1215.51 Assessments.

(a) Any processor marketing popcorn in the United States or for export shall pay an assessment on such popcorn at the time of introduction to market at a rate as established in § 1215.51(c) and shall remit such assessment to the Board in such form and manner as prescribed by the Board.

(b) Any person marketing popcorn of that person's own production to consumers in the United States either directly or through retail or wholesale outlets, shall remit to the Board an assessment on such popcorn at the rate set forth in paragraph § 1215.51(c), and in such form and manner as prescribed by the Board.

(c) Except as otherwise provided, the rate of assessment shall be 5 cents per hundredweight of popcorn. The rate of assessment may be raised or lowered as recommended by the Board and approved by the Secretary, but shall not exceed 8 cents per hundredweight in any fiscal year.

(d) The collection of assessments under this section shall commence on all popcorn processed in the United States on or after the date established by the Secretary, and shall continue until terminated by the Secretary. If the Board is not constituted on the date the first assessments are to be collected, the Secretary shall have the authority to receive assessments on behalf of the Board and may hold such assessments until the Board is constituted, then remit such assessments to the Board.

(e) Each person responsible for remitting assessments under paragraphs (a) and (b) of this section shall remit the amounts due from assessments to the Board on a quarterly basis no later than the last day of the month following the last month in the previous quarter in which the popcorn was marketed, in such manner as prescribed by the Board.

(f) The Board shall impose a late payment charge on any person who fails to remit to the Board the total amount for which the person is liable on or before the payment due date established under this section. The amount of the late payment charge shall be prescribed in rules and regulations as approved by the Secretary.

(g) The Board shall impose an additional charge on any person subject to a late payment charge, in the form of interest on the outstanding portion of any amount for which the person is liable. The rate of interest shall be

prescribed in rules and regulations as approved by the Secretary.

(h) In addition, persons failing to remit total assessments due in a timely manner may also be subject to penalties and actions under federal debt collection procedures as set forth in 7 CFR 3.1 through 3.36.

(i) Any assessment that is determined to be owing at a date later than the payment due established under this section, due to a person's failure to submit a report to the Board by the payment due date, shall be considered to have been payable on the payment due date. Under such a situation, paragraphs (f), (g), and (h) of this section shall be applicable.

(j) The Board, with the approval of the Secretary, may enter into agreements authorizing other organizations or entities to collect assessments on its behalf. Any such organization or entity shall be required to maintain the confidentiality of such information as is required by the Board for collection purposes. Any reimbursement by the Board for such services shall be based on reasonable charges for services rendered.

(k) The Board is hereby authorized to accept advance payment of assessments for the fiscal year by any person, that shall be credited toward any amount for which such person may become liable. The Board shall not be obligated to pay interest on any advance payment.

§ 1215.52 Exemption from assessment.

(a) Persons that process and distribute 4 million pounds or less of popcorn annually, based on the previous year, shall be exempted from assessment.

(b) To claim such exemption, such persons shall apply to the Board, in the form and manner prescribed in the rules and regulations.

§ 1215.53 Influencing governmental action.

No funds received by the Board under this subpart shall in any manner be used for the purpose of influencing legislation or governmental policy or action, except to develop and recommend to the Secretary amendments to this subpart.

Reports, Books, and Records

§ 1215.60 Reports.

(a) Each processor marketing popcorn directly to consumers, and each processor responsible for the remittance of assessments under § 1215.51, shall be required to report quarterly to the Board, on a form provided by the Board, such information as may be required under this subpart or any rule and regulations issued thereunder. Such information shall be subject to § 1215.62 and include, but not be limited to, the following:

(1) The processor's name, address, telephone number, and Social Security Number or Employer Identification Number;

(2) The date of report, which is also the date of payment to the Board;

(3) The period covered by the report;

(4) The number of pounds of popcorn marketed or in any other manner are subject to the collection of assessments;

(5) The amount of assessments remitted;

(6) The basis, if necessary, to show why the remittance is less than the number of pounds of popcorn divided by 100 and multiplied by the applicable assessment rate; and

(7) The amount of assessments remitted on exports (not including Canada).

(b) The words ''final report'' shall be shown on the last report at the end of each fiscal year.

§ 1215.61 Books and records.

Each person who is subject to this subpart shall maintain and make available for inspection by the Board or the Secretary such books and records as are deemed necessary by the Board, with the approval of the Secretary, to carry out the provisions of this subpart and any rules and regulations issued hereunder, including such books and records as are necessary to verify any reports required. Such books and records shall be retained for at least two years beyond the fiscal year of their applicability.

§ 1215.62 Confidential treatment.

(a) All information obtained from books, records, or reports under the Act, this subpart, and the rule and regulations issued thereunder shall be kept confidential by all persons, including all employees, agents, and former employees and agents of the Board; all officers, employees, agents, and former officers, employees, and agents of the Department; and all officers, employees, agents, and former officers, employees, and agents of contracting and subcontracting agencies or agreeing parties having access to such information. Such information shall not be available to Board members or processors. Only those persons having a specific need for such information to administer effectively the provisions of this part shall have access to such information. Only such information so obtained as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or on the request, of the Secretary, or to which the Secretary or any officer of the United States is a party, and involving this part.

(b) No information obtained under the authority of this part may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of the Act and any investigatory or enforcement action necessary for the implementation of the Act.

(c) Nothing in paragraph (a) of this section may be deemed to prohibit:

(1) The issuance of general statements based upon the reports of the number of persons subject to this part or statistical data collected therefrom, which statements do not identify the information furnished by any person;

(2) The publication, by direction of the Secretary, of the name of any person who has violated this part, together with a statement of the particular provisions of this part violated by such person.

(d) Any person who knowingly violated the provisions of this section, on conviction, shall be subject to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both, or if the person is an officer, employee, or agent of the Board or the Department, that person shall be removed from office or terminated from employment as applicable.

Miscellaneous

§ 1215.70 Right of the Secretary.

All fiscal matters, programs, plans, or projects, contracts, rules or regulations, reports, or other substantive actions proposed and prepared by the Board shall be submitted to the Secretary for approval.

§ 1215.71 Suspension or termination.

(a) Whenever the Secretary finds that this subpart or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, the Secretary shall terminate or suspend the operation of this subpart or such provision thereof.

(b) The Secretary may conduct additional referenda to determine whether processors favor termination or suspension of this subpart three years after the effective date, on the request of a representative group comprising 30 percent or more of the number of processors who have been engaged in processing during a representative period as determined by the Secretary.

(c) Whenever the Secretary determines that suspension or termination of this subpart is favored by two-thirds or more of the popcorn processors voting in a referendum under paragraph (b) of this section who, during a representative period

determined by the Secretary, have been engaged in the processing, the Secretary shall:

(1) Suspend or terminate, as appropriate, collection of assessments within six months after making such determination; and

(2) Suspend or terminate, as appropriate, all activities under this subpart in an orderly manner as soon as practicable.

(d) Referenda conducted under this subsection shall be conducted in such manner as the Secretary may prescribe.

§ 1215.72 Proceedings after termination.

(a) Upon the termination of this subpart, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all the funds and property owned, in the possession of, or under the control of the Board, including any claims unpaid or property not delivered, or any other claim existing at the time of such termination.

(b) The trustees shall:

(1) Continue in such capacity until discharged by the Secretary;

(2) Carry out the obligations of the Board under any contract or agreement entered into by it under this subpart;

(3) From time to time account for all receipts and disbursements, and deliver all property on hand, together with all books and records of the Board and of the trustees, to such persons as the Secretary may direct; and

(4) Upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such other persons full title and right to all of the funds, property, and claims vested in the Board or the trustees under this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered under this subpart shall be subject to the same obligations imposed upon the Board and upon the trustees.

(d) Any residual funds not required to defray the necessary expenses of liquidation shall be turned over to the Secretary to be used, to the extent practicable, in the interest of continuing one or more of the promotion, research, consumer information or industry information programs, plans, or projects authorized under this subpart.

§ 1215.73 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any rule and regulation issued under this subpart, or the issuance of any amendment to such provisions, shall not:

(a) Affect or waive any right, duty, obligation, or liability that shall have arisen or may hereafter arise in connection with any provision of this subpart or any such rules or regulations;

(b) Release or extinguish any violation of this subpart or any such rules or regulations; or

(c) Affect or impair any rights or remedies of the United States, the Secretary, or any person with respect to any such violation.

§ 1215.74 Personal liability.

No member or employee of the Board shall be held personally responsible, either individually or jointly, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts of either commission or omission of such member or employee under this subpart, except for acts of dishonesty or willful misconduct.

§ 1215.75 Patents, copyrights, inventions, publications, and product formulations.

Any patents, copyrights, inventions, publications, or product formulations developed through the use of funds received by the Board under this subpart shall be the property of the United States Government as represented by the Board and shall, along with any rents, royalties, residual payments, or other income from the rental, sale, leasing, franchising, or other uses of such patents, copyrights, inventions, publications, or product formulations inure to the benefit of the Board and be considered income subject to the same fiscal, budget, and audit controls as other funds of the Board. Upon termination of this subpart, § 1215.72 shall apply to determine disposition of all such property.

§ 1215.76 Amendments.

Amendments to this subpart may be proposed, from time to time, by the Board or by any interested persons affected by the provisions of the Act, including the Secretary.

§ 1215.77 Separability.

If any provision of this subpart is declared invalid, or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of this subpart or the applicability thereof to other persons or circumstances shall not be affected thereby.

Subpart B—Rules and Regulations

§ 1215.100 Terms defined.

Unless otherwise defined in this subpart, the definitions of terms used in this subpart shall have the same meaning as the definitions in Subpart A—Popcorn Promotion, Research, and Consumer Information Order of this part.

Exemption Procedures

§ 1215.300 Exemption procedures.

(a) Any processor who markets 4 million pounds or less of popcorn annually and who desires to claim an exemption from assessments during a fiscal year as provided in § 1214.52 of this part shall apply to the Board, on a form provided by the Board, for a certificate of exemption. Such processor shall certify that the processor's marketing of popcorn during the previous fiscal year was 4 million pounds or less.

(b) Upon receipt of an application, the Board shall determine whether an exemption may be granted. The Board then will issue, if deemed appropriate, a certificate of exemption to each person that is eligible to receive one.

(c) Any person who desires to renew the exemption from assessments for a subsequent fiscal year shall reapply to the Board, on a form provided by the Board, for a certificate of exemption.

(d) The Board may require persons receiving an exemption from assessments to provide to the Board reports on the disposition of exempt popcorn.

Miscellaneous

§ 1215.400 OMB control numbers.

The control number assigned to the information collection requirements by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, is OMB control number 0581–0093, except for the Promotion Board nominee background statement form which is assigned OMB control number 0505–0001.

Dated: March 18, 1997.

Michael V. Dunn,

Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 97–7294 Filed 3–20–97; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AWP–11]

Proposed Correction of Class E Airspace Description; Bishop, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the legal description for the Class E airspace area at Bishop, CA. A review of airspace classification and air traffic procedures has made this action necessary. The intended effect of this action is to remove overlapping descriptions of controlled airspace.

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

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP–530, Docket No. 97–AWP–11, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 725–6556.

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. Comments wishing the FAA to acknowledge receipt of their comments on this notice must submit with the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWP–11.'' 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 light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, 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

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. 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 procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) that corrects the Class E airspace description at Bishop, CA. A review of airspace classification and air traffic procedures has made this action necessary. This notice proposes to remove the reference to airspace currently defined as V–381 from the Bishop, CA E5 legal description. This airspace associated with V–381 is otherwise thoroughly and appropriately described. The intended effect of this action is to remove overlapping descriptions of controlled airspace. Class E airspace 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 designations listed in this document would be removed subsequently in this 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 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 proposed rule would 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.

* * * * *

AWP CA E5 Bishop, CA

Beatty VORTAC
(Lat. 36°48′02″ N, long. 116°44′52″ W)
Bishop VOR/DME
(Lat. 37°22′37″ N, long. 118°21′50″ W)

That airspace extending upward from 700 feet above the surface within a 4.3-mile radius of the Bishop VOR and that airspace within 2.2 miles each side of the Bishop VOR 337° radial extending from the 4.3-mile radius to 27.8 miles northwest of the VOR. That airspace extending upward from 1,200 feet above the surface within 8 miles southwest and 11 miles northeast of the Bishop VOR 157° and 337° radials, extending from 16 miles northwest of the VOR to 19.1 miles southeast of the VOR. That airspace extending upward from 12,500 feet MSL within 4.3 miles each side of a direct course

between the Bishop VOR and Lidat Intersection, 36.5 miles 12,500 feet MSL, 10,500 feet MSL Lidat Intersection and within 4.3 miles each side of a direct course between Bishop VOR and Beatty VORTAC 69.5 miles 12,500 feet MSL, 10,500 feet MSL Beatty.

* * * * *

Issued in Los Angeles, California, on March 7, 1997.

Sabra W. Kaulia,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–7230 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 97–AWP–12]

Proposed Revision of Class E Airspace; Marysville, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Class E Airspace area at Marysville, CA. This action removes from the Marysville airspace description that portion of airspace defined for instrument operations at Truckee-Tahoe Airport, CA. A review of airspace classification and air traffic procedures has made this action necessary. The intended effect of this action is to remove overlapping descriptions of controlled airspace since the purpose and requirements for Truckee-Tahoe Airport, CA have changed.

DATES: Comments must be received on or before April 15, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Attn: Manager, Operations Branch, AWP–530, Docket No. 97–AWP–12, Air Traffic Division, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009.

The official docket may be examined in the Office of the Assistant Chief Counsel, Western Pacific Region, Federal Aviation Administration, Room 6007, 15000 Aviation Boulevard, Lawndale, California 90261.

An informal docket may also be examined during normal business at the Office of the Manager, Operations Branch, Air Traffic Division at the above address.

FOR FURTHER INFORMATION CONTACT: William Buck, Airspace Specialist, Operations Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 275–6556.

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 the comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AWP–12.'' 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 light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, at 15000 Aviation Boulevard, Lawndale, California 90261, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with the rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Operations Branch, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. 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 procedures.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace area at Marysville, CA. This action removes from the Marysville airspace description that portion of airspace defined for instrument operations at Truckee-Tahoe Airport, CA. A review of airspace classification and air traffic procedures has made this action necessary. The intended effect of this action is to remove overlapping descriptions of controlled airspace since the purpose and requirements for Truckee-Tahoe Airport, CA have changed. Class E airspace areas 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 this 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 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 proposed rule would 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

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (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.

* * * * *

AWP CA E5 Marysville, CA

Marysville Yuba County Airport, CA
(Lat. 39°05′52″ N, long. 121°34′11″ W)
Marysville Beale AFB, CA
(Lat. 39°08′10″ N, long. 121°26′12″ W)
Marysville Beale AFB TACAN
(Lat. 39°08′05″ N, long. 121°26′26″ W)
Marysville VOR/DME
(Lat. 39°05′55″ N, long. 121°34′23″ W)
Mustang VORTAC
(Lat. 39°31′53″ N, long. 119°39′22″ W)
Lincoln Municipal Airport, CA
(Lat. 38°54′33″ N, long. 121°21′05″ W)
Sierraville Dearwater Airport, CA
(39°34′51.653″ N, 120°21′15.745″ W)

That airspace extending upward from 700 feet above the surface within an 8.7-mile radius of Beale AFB and 2 miles each side of a 345° bearing from the Lincoln Municipal Airport and within a 7-mile radius of Yuba County Airport and within 7.8 miles west and 4.3 miles east of Beale AFB TACAN 342° radial extending from the Beale AFB 8.7-mile radius to 25 miles northwest of the Beale AFB TACAN and within 7 miles west and 4.3 miles east of the Marysville VOR 343° radial, extending from the Yuba County Airport 7-mile radius to 10.4 miles northwest of the Marysville VOR and within 7 miles southwest and 4.3 miles northeast of the Marysville VOR 153° radial extending from the Yuba County Airport 7-mile radius to 10.4 miles southeast of the Marysville VOR. That airspace extending upward from 1,200 feet above the surface bounded on the east by a line extending from lat. 40°00′00″ N, long. 120°30′04″ W; to lat. 39°30′00″ N, long. 120°30′04″ W; to lat. 39°30′00″ N, long. 120°19′04″ W; to lat. 39°07′00″ N, long. 120°19′04″ W; thence counterclockwise via the 39.1-mile radius of the Mustang VORTAC to lat. 39°00′00″ N; thence via lat. 39°00′00″ N, to the west boundary of V–23; thence bounded on the west by the west boundary of V–23, on the northwest by the Red Bluff, CA Class E airspace area, and on the north by lat. 40°00′00″ N. That airspace extending upward from 8,500 feet MSL bounded on the south by lat. 40°00′00″ N, on the west and northwest by the Red Bluff, CA and Maxwell, CA Class E airspace areas, on the north by lat. 40°45′00″ N, and on the east by a line extending from lat. 40°45′00″ N, long. 121°39′04″ W; to lat. 40°23′00″ N, long. 121°39′04″ W; to lat. 40°23′00″ N, long 121°25′04″ W; to lat. 40°00′00″ N, long. 121°25′04″ W. That airspace extending upward from 10,500 feet MSL bounded on the east by long. 120°19′04″ W; on the south by the Truckee-Tahoe Class E airspace area, including that airspace within a 2-mile radius of the Sierraville Dearwater Airport, thence north via long. 120°30′04″ W; to lat. 40°00′00″ N, long. 120°30′04″ W; to lat. 40°00′00″ N, long. 121°25′04″ W; on the west by long. 121°25′04″ W, and on the north by lat. 40°45′00″ N. That airspace extending upward from 12,500 feet MSL bounded on the east by long. 121°25′04″ W; on the south by lat. 40°23′00″ N, on the west by long. 121°39′04″ W; and on the north lat. 40°45′00″ N.

* * * * *

Issued in Los Angeles, California, on March 3, 1997.

Michael Lammes,

Acting Manager, Air Traffic Division, Western-Pacific Region.

[FR Doc. 97–7224 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Securities Representing Investment of Customer Funds Held in Segregated Accounts by Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is proposing to amend Rules 1.23, 1.25, and 1.27 to permit futures commission merchants (''FCMs'') to increase or decrease the amount of funds segregated for the benefit of commodity customers by making direct transfers of permitted securities into and out of segregated safekeeping accounts. The types of securities in which customer funds can be invested and which will now be directly transferable are set forth in Rule 1.25. Currently, FCMs can only make direct transfers of cash to augment the customer segregated account.

Furthermore, in order to provide additional assurance that there will be a clear audit trail for such permitted transfers of securities, Rule 1.27 is proposed to be amended to require that the description of the investment securities, required by the rule, include the security identification number developed by the Committee on Uniform Security Identification Procedures (''CUSIP Number'').

DATES: Comments must be received on or before April 21, 1997.

ADDRESSES: Comments on the proposed rules should be sent to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581. Comments may be sent by facsimile transmission to (202) 418–5528, or by electronic mail to secretary@cftc.gov. Reference should be made to ''Securities Representing Investment of Customer Funds.''

FOR FURTHER INFORMATION CONTACT: Paul H. Bjarnason, Chief Accountant, or Lawrence B. Patent, Associate Chief Counsel, Division of Trading and Markets (''Division''), Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone (202) 418–5430.

SUPPLEMENTARY INFORMATION: The Commission is proposing technical amendments to Rules 1.23, 1.25, and 1.27.[1] These changes will permit FCMs to transfer unencumbered securities directly from the proprietary domain into a segregated safekeeping account at a bank or trust company, if they are the types of securities that are permitted investments of customer funds[2] under Rule 1.25, in order to increase the amount of funds segregated for the benefit of commodity customers. It will also permit an FCM to transfer such securities directly from such a segregated safekeeping account to the proprietary domain, to the extent the FCM has excess funds in segregation.

I. Investment of Customers' Segregated Funds

A. Background

Section 4d(2) of the Commodity Exchange Act and Rule 1.25 restrict the types of securities in which customer funds can be invested by FCMs to obligations of the United States, general obligations of any State or any political subdivision thereof, and obligations fully guaranteed as to principal and interest by the United States (''Qualified Investments''). Rule 1.25 also requires all such investments to be purchased from, and the proceeds of any sale to be deposited into, an account or accounts used for the deposit of customer funds. Rule 1.23 currently allows an FCM to add to the funds segregated for customers through transfers of cash into a segregated account and to reduce its residual interest by cash withdrawals payable directly to the FCM.[3]

Current Commission rules and Division interpretations do not permit FCMs to increase their interest in segregated funds by directly transferring into a segregated account Qualified Investments which they may own.

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[1] Rules referred to herein can be found at 17 C.F.R. Ch. I (1996).

[2] The term ''customer funds'' is defined in Rule 1.3(gg).

[3] If adopted, the proposed changes will also require the Division to revise Financial and Segregation Interpretation No. 7, which includes the following statement:

Under Regulations 1.23 and 1.25 such obligations must be: (1) purchased with money deposited in an account used for the deposit of customers' funds; (2) made through such an account; and (3) the proceeds from any sale of such obligations must be redeposited in such an account. Thus, all additions to and withdrawals from customer segregated funds which represent topping up by the FCM to cover actual or expected customer deficits must be in the form of cash.

1 Comm. Fut. L. Rep. (CCH) ¶ 7117, at 7124 (July 23, 1980).

Current rules also prohibit FCMs from withdrawing Qualified Investments from a segregated account and depositing them in their own account in order to reduce their financial interest in segregated funds. Consequently, all such additions to and withdrawals from segregated accounts must currently be in the form of cash.

FCMs and the Joint Audit Committee (''JAC'')[4] have claimed that the current rules place an undue burden on FCMs. For example, in the event an FCM desires to correct an expected or existing undersegregated condition, in order to comply with the Commission's existing segregation rules, if the FCM does not have cash readily available to transfer into the segregated account, it would have to sell its own Qualified Investments and, then, transfer the cash to the segregated account. The cash could then be re-invested in Qualified Securities. Conversely, when an FCM wishes to decrease its financial interest in segregated funds, this entire process must be reversed.

This additional step not only causes a delay in the transfer, but additional transaction costs associated with buying and selling the proprietary securities are incurred. These costs can be substantial, not only as a result of the commissions or other fees incurred, but also due to possibly unfavorable market conditions when buying and selling like securities.

The Commission believes the industry's proposal, as first suggested to the Commission's staff during a JAC meeting, to allow direct transfers of Qualified Securities into and out of the segregated account, has merit. Customer protection would be directly enhanced by reducing the amount of time required to effect a transfer of funds into segregation and, with appropriate safeguards, should not diminish existing segregation protections.

The Commission has reviewed these proposed changes in light of the Bankruptcy Reform Act of 1978 (''BRAct''), which appears to have resolved any questions with respect to the status of customers' segregated funds in the event of an FCM bankruptcy.[5] In the Commission's view, the definition of customer property contained in Section 761(10)[6] of the BRAct, together with the special priority of distribution accorded to such property under Section 766(h) of the BRAct, requires that, like cash, any securities held in a segregated safekeeping account will not be used to satisfy the claim of a noncustomer creditor of the FCM until all customer net equity claims have been satisfied.

B. Proposed Amendments

The Commission is proposing that Rules 1.23 and 1.25 be amended to allow an FCM to deposit firm-owned unencumbered Qualified Investments directly into segregated accounts held at qualifying banks or trust companies and to withdraw, to the extent of the FCM's residual financial interest in segregated funds, any Qualified Investments from such segregated accounts.

The Commission is proposing to permit an FCM to deposit Qualified Investments owned by the FCM which are otherwise unencumbered into customers' segregated accounts to overcome an undersegregated condition or to increase its financial interest in segregated funds. Any securities transferred into segregation must be owned directly by the FCM itself, *i.e.*, the FCM is not permitted to transfer in securities owned by any other persons, including noncustomers.[7] Under this proposal an FCM will also be permitted to withdraw Qualified Investments from segregated accounts and deposit them into its own accounts to decrease its residual financial interest in segregated funds.

These proposed rule changes would permit the deposit and withdrawal of Qualified Investments into and out of segregated accounts, in effect, under essentially the same conditions and restrictions as cash. There is no change in the conditions applicable to the transfer of proprietary cash into or out of segregation.

Rule 1.25, as proposed to be amended, would no longer require that Qualified Investments which represent an investment of customers funds be purchased from and the sales proceeds flow through a segregated account. The proposed amendments would permit FCMs to deposit their own Qualified Investments into a segregated account at a permitted custodian. The amendments would also permit FCMs to withdraw any Qualified Investments from segregation and deposit such securities in their own account up to the extent of their residual financial interest in customers' segregated funds.

For purposes of Rules 1.26, 1.27, 1.28 and 1.29, all Qualified Investments when deposited into a customers' segregated account will be deemed to be securities and obligations which represent investments of customers' funds until such time as the FCM withdraws or otherwise disposes of such investments.

The Commission is also proposing to amend Rule 1.27, which requires FCMs to maintain records of Qualified Investments held in segregated accounts. The Commission is proposing that the rule explicitly require the record to include the CUSIP number of such securities as a part of the description of such investments. The Commission believes that the addition of the CUSIP number will impose no significant additional burden on FCMs, and that many entities already incorporate the CUSIP number in their record-keeping formats. Further, the CUSIP numbers are provided by the counterparty financial institutions at the time of purchase or sale of a security.

The Commission is not proposing any other changes to Rule 1.27, but wants to remind FCMs that Rule 1.27 requires them to include in the investments record, among other information, the name of the person through whom such investments were made and the name of the person to or through whom such

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[4] The JAC is comprised of representatives from each commodity exchange and National Futures Association who coordinate the industry's audit and ongoing surveillance activities to promote a uniform framework of self-regulation.

[5] See 11 U.S.C. 761–766.

[6] Section 761(10) defines ''customer property'' as follows:

(10) Customer property' means cash, a security, or other property, or proceeds of such cash, security, or property, at any time received, acquired, or held by or for the account of the debtor, from or for the account of a customer—

(A) including—

(i) property received, acquired, or held to margin, guarantee, secure, purchase, or sell a commodity contract;

(ii) profits or contractual or other rights accruing to a customer as a result of a commodity contract;

(iii) an open commodity contract;

(iv) specifically identifiable customer property;

(v) warehouse receipt or other document held by the debtor evidencing ownership of or title to property to be delivered to fulfill a commodity contract from or for the account of a customer;

(vi) cash, a security, or other property received by the debtor as payment for a commodity to be delivered to fulfill a commodity contract from or for the account of a customer;

(vii) a security held as property of the debtor to the extent such security is necessary to meet a net equity claim based on a security of the same class and series of an issuer;

(viii) property that was unlawfully converted and that is property of the state; and

(ix) other property of the debtor that any applicable law, rule, or regulation requires to be set aside or held for the benefit of a customer, unless including such property as customer property would not significantly increase customer property; but

(B) not including property to the extent that a customer does not have a claim against the debtor based on such property[.]

[7] Noncustomers are persons within the definition of a proprietary person in Commission Rule 1.3(y) other than the FCM itself or a general partner of the FCM. Examples of noncustomers are associated persons, officers, directors, owners, contributors of 10 percent or more of the FCM's capital or controllers of 10 percent or more of the FCM's shares, and affiliated companies. *See* Commission Rule 1.17(b)(2)–(4).

investments were disposed of. Therefore, this record should clearly identify Qualified Investments owned by the FCM which were deposited into segregation and any investments withdrawn from segregation and deposited in the FCM's own account. The Commission invites comments on whether custodians for these purposes should be limited to banks and trust companies not affiliated with the FCM.

II. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–611 (1988), requires that agencies, in proposing rules, consider the impact of those rules on small businesses. The rule amendments discussed herein would affect registered FCMs. The Commission has previously established certain definitions of ''small entities'' to be used by the Commission in evaluating the impact of its rules on such entities in accordance with RFA.[8] The Commission previously determined that registered FCMs are not small entities for the purpose of the RFA.[9]

Further, the amendments proposed herein do not impose any significant new burdens upon FCMs. The proposed amendments facilitate the use of firm-owned obligations to enhance funds segregated for commodity customers by allowing the direct transfer of said obligations into and out of segregated accounts. As a result, the Commission anticipates that adoption of the proposed amendments will reduce the burden of compliance with segregation requirements by FCMs. Accordingly, pursuant to Section 3(a) of the RFA (5 U.S.C. 605(b)), the Chairperson, on behalf of the Commission, certifies that these proposed amendments would not have a significant economic impact on a substantial number of small entities. The Commission nonetheless invites comment from any registered FCM which believes that these rules would have significant impact on its operations.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1980 (Act), 44 U.S.C. 3501 *et seq.*, imposes certain requirements on federal agencies (including the Commission), in connection with their conducting or sponsoring any collection of information as defined by the Paperwork Reduction Act. The Commission believes these proposed amendments impose no burden. While these proposed rule amendments have no burden, the group of rules (3038–0024) of which the rules proposed to be amended are a part, has the following burden:

Average burden hours per response: 18.00.

Number of Respondents: 1,662.00.

Frequency of response: 19.00.

Copies of the OMB approved information collection package associated with these rules may be obtained from the Desk Officer, CFTC, Office of Management and Budget, Room 10202, NEOB, Washington, DC 20503, (202) 395–7340.

List of Subjects in 17 CFR Part 1

Brokers, Commodity futures, Consumer protection, Reporting and recordkeeping requirements, Segregation requirements.

In consideration of the foregoing and pursuant to the authority contained in the Commodity Exchange Act and, in particular, Sections 4d, 4g and 8a(5) thereof, 7 U.S.C. 6d, 6g and 12a(5), the Commission hereby proposes to amend Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24.

2. Section 1.23 is revised to read as follows:

§ 1.23 Interest of futures commission merchant in segregated funds; additions and withdrawals.

The provision in Section 4d(2) of the Act and the provision in § 1.20(c) which prohibit the commingling of customer funds with the funds of a futures commission merchant shall not be construed to prevent a futures commission merchant from having a residual financial interest in the customer funds segregated as required by the Act and the regulations in this part and set apart for the benefit of commodity or option customers, nor shall such provisions be construed to prevent a futures commission merchant from adding to such segregated customer funds such amount or amounts of money from its own funds or unencumbered securities from its own inventory of the type set forth in § 1.25, as it may deem necessary to ensure any and all commodity or option customers' accounts from becoming undersegregated at any time. The books and records of a futures commission merchant shall at all times accurately reflect its interest in the segregated funds. A futures commission merchant may draw upon such segregated funds to its own order, to the extent of its actual interest therein, including the withdrawal of securities held in segregated safekeeping accounts held by the bank or trust company custodians. Such withdrawal shall not result in the customer funds of one commodity and/or option customer being used to purchase, margin or carry the trades, contracts or commodity options, or extend the credit of any other commodity customer, option customer or other person.

3. Section 1.25 is revised to read as follows:

§ 1.25 Investment of customer funds.

No futures commission merchant and no clearing organization shall invest customer funds except in obligations of the United States, in general obligations of any State or of any political subdivision thereof, or in obligations fully guaranteed as to principal and interest by the United States. Such investments shall be made through an account or accounts used for the deposit of customer funds and proceeds from any sale of such obligations shall be deposited into such account or accounts. However, this shall not prohibit a futures commission merchant from directly depositing unencumbered securities, of the type specified in this section, which it owns for its own account into a segregated account or from transferring any such securities from a segregated account to its own account up to the extent of its residual financial interest in customers' segregated funds: *Provided, however,* that such transfers are clearly recorded in the record of investments required to be maintained by § 1.27 and such funds are held by bank or trust company custodians. Furthermore, for purposes of §§ 1.25, 1.26, 1.27, 1.28 and 1.29, investments permitted by § 1.25 that are owned by the futures commission merchant and deposited into segregation shall be considered customer funds until such investments are withdrawn from segregation.

4. Section 1.27 is amended by revising paragraphs (a)(4) and (b)(2) to read as follows:

§ 1.27 Record of investments.

(a) * * *

(4) A description of the obligations in which such investments were made, including the CUSIP numbers;

* * * * *

(b) * * *

[8] 47 FR 18618–18621 (April 30, 1982).

[9] 47 FR 18619–18620.

(2) A description of such documents, including the CUSIP numbers; and

* * * * *

Issued in Washington D.C. on March 17, 1997, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 97–7179 Filed 3–20–97; 8:45 am]

BILLING CODE 6351–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 131

[FRL–5711–9]

Water Quality Standards for Idaho

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of rulemaking.

SUMMARY: EPA is preparing to promulgate water quality standards applicable to surface waters in the State of Idaho. These federally promulgated standards will supersede those aspects of Idaho's water quality standards that EPA disapproved on June 25, 1996. EPA is taking this action to comply with a court order directing EPA to promulgate standards by April 21, 1997. Due to the brevity of the court-ordered deadline for promulgation, EPA plans to promulgate an ''interim-final'' rule without a prior proposal or comment period. EPA will request comment on the interim-final standards after their promulgation. EPA will revise the interim-final standards through a subsequent rulemaking if justified by analysis of the comments. The rulemaking that EPA is preparing will establish revised use designations on currently unclassified waters in the state and on 53 specified water body segments whose use designations do not meet the goals of the Clean Water Act and for which the state has not provided information to justify its lower use designations. The interim-final rule will also establish revised temperature criteria necessary to protect certain threatened, endangered, and candidate species. Finally, EPA's interim-final rule will amend Idaho's mixing zone and antidegradation policies as well as its ''private waters exclusion.''

Today's notice is intended to alert the public to the process EPA is following and the reasons for doing so, to reassure the public that EPA intends to seek public comment, and to give the public advance notice of the need to identify information that may be relevant to the attainability of fishable/swimmable uses in the waters identified in EPA's June 1996 letter.

DATES: EPA plans to promulgate replacement water quality standards for Idaho in a separate action by April 21, 1997. At that time, EPA will solicit public comment. Comments are not being considered at this time, due to the brevity of the court schedule.

FOR FURTHER INFORMATION CONTACT: Lisa Macchio at U.S. EPA Region 10, Office of Water, 1200 Sixth Avenue, Seattle, Washington, 98101, (telephone: 260–553–1834) or William Morrow in U.S. EPA Headquarters at 202–260–3657.

SUPPLEMENTARY INFORMATION:

A. Potentially Affected Entities

Citizens concerned with water quality in Idaho may be interested in this rulemaking. Entities discharging pollutants to waters of the United States in Idaho could be affected by this rulemaking since water quality standards are used in determining NPDES permit limits.

B. Background

1. Statutory/Regulatory History.

Section 303(c) of the Clean Water Act (CWA) directs States, with oversight by EPA, to adopt water quality standards to protect public health and welfare, enhance the quality of water and serve the purposes of the CWA. Under Section 303, States have the primary responsibility to establish water quality standards, which consists of designated uses, the water quality criteria necessary to support those uses, and antidegradation.

Section 303 requires States and Tribes to review their standards at least once every three years and to submit any new or revised standards to EPA for its review. Under Section 303(c), EPA is required to either approve or disapprove such new or revised State/Tribal standards, depending on whether they meet the requirements of the Act. Where EPA disapproves a new or revised State/Tribal standard, and the State or Tribe does not revise the standard to meet EPA's objection, sections 303(c)(3) and 303(c)(4)(A) of the Act require the Agency to promptly propose substitute Federal standards and promulgate final Federal standards within 90 days thereafter. In addition, section 303(c)(4)(B) authorizes the Administrator to promulgate a Federal standard whenever she determines that a new or revised standard is necessary to meet the requirements of the CWA. The implementing regulations for the water quality standards program are found at 40 CFR part 131.

2. History of Idaho/EPA Actions

In 1994, Idaho submitted water quality standards to EPA for review and approval under § 303 of the Act. On October 25, 1995, EPA gave Idaho advance notice of deficiencies in the state's 1994 standards submission. On June 25, 1996, EPA approved some portions and disapproved other portions of those standards. Both before and after the October 25, 1995, letter and the June 25, 1996, approval/disapproval letter, EPA worked to encourage the state of Idaho to revise its standards to address the deficiencies identified by EPA. While the state has taken some preliminary steps to address some of EPA's concerns, it has not yet submitted revised standards to EPA for approval. On February 20, 1997, as a result of a lawsuit filed by three environmental groups (*Idaho Conservation League* v. *Browner;* No. C96–807WD), Judge Dwyer of the United States District Court for the Western District of Washington ruled that EPA had failed to carry out a mandatory duty to promptly prepare and publish Federal standards to address the items disapproved in the June 25, 1996, letter. Judge Dwyer ordered EPA to promulgate such standards within 60 days, that is, by April 21, 1997.

Because of the court order, EPA has found it necessary to condense its normal rulemaking process, and will be issuing an interim-final rule with subsequent opportunity for public comment. The national goal for water quality as articulated in section 101(a)(2) of the Act ''provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water.'' These goal uses of the Act are commonly referred to as ''fishable/swimmable''. Since Idaho has not provided information concerning the attainability or non-attainability of ''fishable/swimmable'' uses for the waters addressed in the June 1996 letter, EPA will likely be promulgating designated uses based on the goal uses of the Act for those waters. During the comment period which will follow the April 21st promulgation, EPA will seek information from the public on the appropriateness of those designated uses and will revise them as needed.

The State of Idaho is currently working to resolve many of the deficiencies identified in EPA's June 25, 1996, letter. EPA is coordinating this rulemaking effort with that of the state.

Dated: March 14, 1997.

Tudor Davies,

Director, Office of Science and Technology.

[FR Doc. 97–7216 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 300

[FRL–5711–3]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete the Cheshire Ground Water Contamination site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region I announces its intent to delete the Cheshire Ground Water Contamination site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended by the Superfund Amendments and Reauthorization Act (CERCLA). EPA and the State of Connecticut have determined that all appropriate CERCLA actions have been implemented and that no further clean up at the site is appropriate. Moreover, EPA and the State of Connecticut have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this site may be submitted on or before April 21, 1997.

ADDRESSES: Comments may be mailed to: Jane Dolan, Remedial Project Manager, U.S. EPA Region I (HBT), JFK Federal Building, Boston, MA 02203.

Comprehensive information on this site is available through the EPA Region I public docket, which is located at EPA's Region I office and is available for viewing by appointment only from Monday through Friday, excluding holidays. Requests for appointment or copies of the contents from the Regional public docket should be directed to the EPA Region I Records Center.

The address for the Region I Records Center is: EPA Records Center, 90 Canal Street, 1st Floor, Boston, MA 02114, (617) 573–5729.

A copy of the Regional public docket is also available for viewing at the Cheshire Ground Water Contamination site information repository at: Cheshire Public Library, 104 Main Street, Cheshire, CT 06410, (203) 272–2245.

FOR FURTHER INFORMATION CONTACT: Jane Dolan, Remedial Project Manager, U.S. EPA Region I (HBT), JFK Federal Building, Boston, MA 02203, (617) 573–9698.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

The Environmental Protection Agency (EPA) Region I announces its intent to delete the Cheshire Ground Water Contamination Site, Cheshire, Connecticut, from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan, 40 CFR part 300 (NCP), and requests comments on this deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

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

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

II. NPL Deletion Criteria

The NCP establishes criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e)(1), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making a determination to delete a release from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

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

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

(iii) the response action has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Prior to deciding to delete a site from the NPL, EPA must determine that the remedy, or existing site conditions at sites where no action is required, is protective of public health, welfare, and the environment.

Deletion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions if future site conditions warrant such action. Section 300.425(e)(3) of the NCP states that Fund-financed actions may be taken at sites that have been deleted from the NPL.

III. Deletion Procedures

In the NPL rulemaking published on October 15, 1984 (49 FR 40320), the Agency solicited and received comments on whether the notice of comment procedures followed for adding sites to the NPL also should be used before sites are deleted. Comments also were received in response to the amendments to the NCP proposed on February 12, 1985 (50 FR 5862). Formal notice and comment procedures for deleting sites from the NPL were subsequently added as a part of the March 8, 1990 amendments to the NCP (55 FR 8666, 8846). Those procedures are set out in § 300.425(e)(4) of the NCP. Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

Upon determination that at least one of the criteria described in § 300.425(e)(1) has been met, EPA may formally begin deletion procedures. The following procedures were used for the intended deletion of this site:

(1) EPA Region I and the State of Connecticut agreed, in the No Action Record of Decision, that the five-year review was not warranted.

(2) EPA Region I has recommended deletion and prepared the relevant documents.

(3) The State of Connecticut has concurred with the deletion decision.

(4) Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties.

(5) The Region has made all relevant documents available in the Regional Office and local site information repositories.

These procedures have been completed for the Cheshire Ground Water Contamination site. This **Federal Register** document, and a concurrent

notice in the local newspaper in the vicinity of the site, announces the initiation of a 30-day public comment period and the availability of the Notice of Intent to Delete. The public is asked to comment on EPA's intention to delete the site from the NPL; all critical documents needed to evaluate EPA's decision are included in the information repository and deletion docket.

Upon completion of the 30-day public comment period, the EPA Regional Office (Region I) will evaluate these comments before the final decision to delete. The Region will prepare a Responsiveness Summary , which will address comments received during the public comment period. The responsiveness summary will be made available to the public at the information repository. Members of the public are welcome to contact the EPA Regional Office to obtain a copy of the responsiveness summary, when available. If EPA still determines that deletion from the NPL is appropriate after receiving public comments, a final notice of deletion will be published in the **Federal Register**. However, it is not until a notice of deletion is published in the **Federal Register** that the site would be actually deleted.

IV. Basis for Intended Site Deletions

The following summary provides the Agency's rationale for deleting the Cheshire Ground Water Contamination site from the NPL.

The Cheshire Ground Water Contamination site which is located in the northwestern corner of Cheshire, New Haven County, Connecticut, includes the industrial property at 604 West Johnson Avenue where disposal of waste material was conducted and, in addition, those places where waste material emanating from the property has come to be located in the groundwater. The Site is immediately bounded by vacant land to the east, industrial property to the south, and Knotter Drive and Route 691 to the west and north, respectively.

EPA involvement with the Site commenced in 1985 after the Site was identified through a review of background information for another property in Cheshire. EPA sampled ground water from on-site monitoring wells, subsurface soils, surface water, and sediment on the 604 West Johnson Avenue property, and ground water from two residential drinking water wells in support of a Site Inspection of the property completed in 1986.

Based on this investigation which found groundwater both on- and off-site contaminated with volatile organic compounds, the Site was proposed to the National Priorities List (NPL) in June 1988 and promulgated on August 30, 1990. The Site was defined as a plume of contamination from an unknown source detected in wells on property located at 604 West Johnson Avenue and in a nearby residential well.

The Connecticut Department of Environmental Protection (CTDEP) entered into Consent Agreements with Cheshire Associates, the owner of the property at that time, and North American Philips Corporation, the tenant of the property, in 1984 following the identification of groundwater and soil contamination. The owner of the property agreed to remove contaminated soil, and monitor the water quality at two private water supply wells on a semi-annual basis until 1988. The tenant of the property at the time agreed to test all in ground fuel and/or chemical storage tanks and their associated piping to determine their structural integrity and their ability to prohibit the introduction of the tanks contents to the waters of the state. A 10,000 gallon #4 fuel oil tank was cleaned and determined to be leak free on September 9, 1982. This tank was allegedly filled with concrete slurry around 1985.

Twenty cubic yards of volatile organic- and oil-contaminated soil were excavated from two areas on the property on October 19, 1983. CTDEP approved the disposal of this non-hazardous waste on January 6, 1984. The material was subsequently removed from the property and disposed of on January 25, 1984.

The property owner voluntarily arranged for bottled water to be provided to the remaining residence in 1986 (the other residence was demolished for commercial development) and subsequently connected the home to municipal water in 1987.

EPA completed a geohydrologic study and sampling at the site in 1996. Volatile organic compounds and metals were detected in groundwater at levels below the levels established as safe in the Safe Drinking Water Act. Low levels of pesticides, semi-volatile organic compounds, and metals detected in shallow soils around the northern side of the building were determined not to endanger workers nor the health of residents in a future development of the property. EPA also determined that the low levels of pesticides and copper detected in on-site pond water and sediments would not create a risk to human health or aquatic organisms through exposure to the pond water or sediments. All of the estimated maximum cancer risks associated with exposure to contamination at the site fall within EPA's acceptable risk range. As outlined in the NCP, a cancer risk at a Superfund site is considered acceptable if it ranges between one in ten thousand and one in one million (1×10^{-4} to 1×10^{-6}). (The carcinogenic risk associated with a future potential residential scenario is 4.3×10^{-4}. This risk is attributable to one contaminant, arsenic. The risk attributable to other compounds is at or below the lower end of the acceptable risk range (i.e., 10^{-6}). Although the risk associated with arsenic is at the upper end of the acceptable risk range (i.e., 10^{-4}), the contaminant level is below the level established as safe in the Safe Drinking Water Act.) In addition, the human health risk assessment concluded that non-cancer adverse health effects were not likely at this site. Based on EPA's investigation from 1994 to 1996, it was determined that the existing site conditions are currently protective of public health and the environment and the site meets EPA's deletion criteria.

The Proposed Plan for the Record of Decision was released for the thirty (30) day public comment period on October 10, 1996. The Proposed Plan recommended that as a result of previous removal actions ordered by the State, and EPA's recent investigation of the site, no further remedial action was warranted. Three public comments were submitted on EPA's Proposed Plan. Based upon the favorable community response, it was determined that no change to EPA's Proposed Plan was necessary.

The Record of Decision (ROD) was signed by the Director of the Office of Site Remediation and Restoration on December 31, 1996. The No Action ROD recommendation includes: No further remedial action, and no long-term monitoring or management controls. The five-year review requirements of Section 121© of CERCLA and of § 300.430(f)(4)(ii) of the NCP are not applicable to the Cheshire Ground Water Contamination site because contaminants do not remain in the groundwater, soils, surface water and sediment above levels that would prevent unlimited use and unrestricted exposure to the site. No operation and maintenance will be required at the Cheshire Ground Water Contamination site. EPA, with the concurrence of the State of Connecticut, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Dated: March 7, 1997.

Frank Ciavatieri,

Acting Director, Office of Site Remediation and Restoration.

[FR Doc. 97–7066 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 97–82; FCC 97–60]

Competitive Bidding Procedures

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this *Notice of Proposed Rule Making* (''NPRM''), the Commission proposes changes to its general competitive bidding rules that are intended to simplify regulations and eliminate unnecessary rules wherever possible, increase the efficiency of the competitive bidding process, and provide more specific guidance to auction participants while also giving them more flexibility.

DATES: Comments must be submitted on or before March 27, 1997, and reply comments must be submitted on or before April 16, 1997. Written comments by the public on the proposed and/or modified information collections are due March 27, 1997. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed and/or modified information collections on or before May 20, 1997.

ADDRESSES: Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington DC 20554, or via the Internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Mark Bollinger, Wireless Telecommunications Bureau, (202) 416–0660. For additional information concerning the information collections contained in this *NPRM,* contact Dorothy Conway at (202) 418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's *Notice of Proposed Rule Making* in FCC Number 97–60; WT Docket No. 97–82, adopted on February 20, 1997, and released on February 28, 1997. The complete text of this *NPRM* is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037. The complete *NPRM* is also available on the Commission's Internet home page (http://www.fcc.gov/).

The *NPRM* contains proposed or modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). It has been submitted to the Office of Management and Budget (OMB) for review under the PRA. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public, the Office of Management and Budget (OMB), and other Federal agencies to comment on the information collections contained in this *NPRM,* as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this *NPRM*; OMB notification of action is due 60 days from date of publication of this *NPRM* in the **Federal Register**. 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 clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: N/A.

Title: In the Matter of Amendment of Part 1 of the Commission's Rules—Competitive Bidding Proceeding, WT Docket No. 97–82, FCC Docket No. 97–60.

Type of Review: New collection.

Respondents: Businesses or other for-profit entities.

Number of Respondents: 45,000.

Estimated Time for Response: 13 hours.

Total Annual Burden: 585,000 hours.

Estimated Cost to Respondents: 2,848 dollars.

Needs and Uses: The Commission's general competitive bidding rules require applicants for all auctionable services to submit: (1) Ownership information, (2) terms of joint bidding agreements, (3) gross revenue calculations, and (4) evidence of environmental impact. Furthermore, in case a licensee defaults or loses its license, the Commission retains the discretion to re-auction such licenses. If licenses are re-auctioned, the new license winners would be required at the close of the re-auction to comply with the same disclosure requirements explained above.

The information collected will be used by the Commission to determine whether the applicant is legally, technically, and financially qualified to bid in the spectrum auctions and hold a license for spectrum based services. Without such information the Commission could not determine whether to issue the license to the successful applicant and therefore fulfill its statutory responsibilities in accordance with the Communications Act of 1934, as amended.

Synopsis of Notice of Proposed Rule Making

1. The Commission seeks comment on a variety of proposals and tentative conclusions set forth below. In addition, it seeks comment on whether competitive bidding provisions that have been adopted in specific services but not included in the part 1 rules should be included in part 1 and, if so, whether any amendments to these provisions are needed in light of the proposal, discussed below, to apply these general competitive bidding rules to future auctions.

2. As the Commission has gained experience in conducting auctions, it has found that much of the auction process can be standardized and that conducting rule makings for each individual service slows down the delivery of service to the public because it may result in regulatory delays before the licensing process begins. Thus, the Commission propose that, to the extent possible, all future auctions be governed by the general competitive bidding rules adopted in this proceeding. It envisions that only a limited number of competitive bidding regulations would need to be adopted on a service-specific basis. The Commission seeks comment on whether the rules adopted in this proceeding should supersede all existing, service-specific competitive bidding rules for future auctions. It proposes that this action would affect all services that are subject to pending proceedings and any services that have existing competitive bidding rules that might apply to licenses that have not yet been auctioned or that must be reauctioned. The Commission seeks comment on whether, alternatively, it should phase in the applicability of the revised general competitive bidding rules at a future date, such that, at a

minimum, initial auctions may be completed under the existing service-specific rules. In the event the Commission decides not to apply the revised part 1 rules to supersede existing service-specific auction rules, should it nonetheless subject licenses that are reauctioned (due to defaults or if no winning bidder is otherwise declared) to these revised part 1 general competitive bidding rules? To the extent that commenters believe that service-specific rules should be maintained, they should explain which ones and why.

3. Section 1.2110(b)(1) of the rules states that the Commission ''will establish the definition of a small business on a service-specific basis, taking into consideration the characteristics and capital requirements of the particular service.'' The Commission proposes to continue the practice of soliciting comment in service-specific rule making proceedings on the appropriate small business size standard, or tiered standards, for each auctionable service. In such rule makings, the Commission would, take into consideration the characteristics and capital requirements of each service. It would in all cases, however, for purposes of future auctions, express the definition of small business purely in terms of gross revenues. The Commission further proposes that, once the small business definition for any particular service is adopted, the special provisions for which such businesses qualify would be determined by schedules set forth in the general competitive bidding rules. The Commission seeks comment on these proposals.

4. The Commission notes that some of its eligibility requirements are defined in terms of gross revenues of ''less than'' a certain amount, rather than ''not exceeding'' a certain amount. It tentatively concludes that a uniform method of measurement is preferable because it is more equitable and administratively simpler. The Commission therefore proposes that when it adopts size standards, those standards should be expressed so as to require businesses to have gross revenues ''not to exceed'' particular amounts, and that all standards already adopted be modified to conform to this method of defining size. The Commission seeks comment on this proposal. It also seeks comment on a proposal to base all small business size standards on the applicant's average gross revenues over the preceding three years, consistent with the Small Business Act, 15 U.S.C. 632(a).

5. Although the general competitive bidding rules do not define ''gross revenues,'' the Commission has adopted definitions in various services which are generally the same, but contain some distinction regarding use of audited and unaudited financial statements. In order to promote uniformity of regulations, the Commission proposes to use the broadband PCS definition for all size-based determinations for all auctionable services, with the modification that unaudited financial statements used as a basis for gross revenue calculations must be prepared in accordance with Generally Accepted Accounting Principles. This modification should ensure that all gross revenues calculations, audited and unaudited, are prepared consistently. It should also discourage bidders from manipulating unaudited financial statements to gain a competitive bidding or payment advantage. The Commission seeks comment on this proposal.

6. The Commission notes that in the *D, E, and F Block Report and Order*, 61 FR 33859 (July 1, 1996), it amended the broadband PCS rules to require that an applicant's determination of average gross revenues be based on the three most recently completed fiscal or calendar years. Should it adopt a similar rule for the general auction rules that would extend the same option of using either fiscal or calendar years to applicants in all auctionable services? The Commission also notes that prior to the *D, E, and F Block Report and Order*, broadband PCS applicants were required to state their average gross revenues as supported by audited financial statements or seek a waiver to use unaudited financial statements. This requirement was simplified in the *D, E, and F Block Report and Order* to permit the use of unaudited financial statements without seeking a waiver. The Commission seeks comment on whether the general definition of gross revenue should similarly allow the use of unaudited financial statements.

7. In determining whether an applicant meets certain size-based eligibility requirements, many of the Commission's service-specific competitive bidding rules require it to consider, *inter alia*, the gross revenues of certain investors in the applicant and the affiliates of attributable investors. ''Affiliate'' is defined by the general auction rules as an individual or entity that directly or indirectly controls or has the power to control the applicant; is directly or indirectly controlled by the applicant; is directly or indirectly controlled by a third person(s) that also controls or has the power to control the applicant; or has an ''identity of interest'' with the applicant. Some service-specific rules have adopted alternative definitions of ''affiliate.''

8. An ''attributable'' investor for purposes of size determinations has been defined differently in the rules for different services; it proposes to use a controlling interest threshold to determine whether an entity qualifies to bid as a small business. Thus, in calculating gross revenues, the Commission would include the gross revenues of the controlling principals of the applicants and their affiliates, with the term ''control'' including both *de jure* and *de facto* control of the applicant. The Commission tentatively concludes that this standard, which it recently adopted in the IVDS rules, would simplify the size attribution rules and still enable small businesses to attract adequate financing. It seeks comment on this proposal. The Commission also seeks comment on whether it should change its definition of affiliate. Should the Commission, for example, amend its definition of affiliate to provide an exception for Indian tribes, Alaska Regional or Village Corporations, as it did for broadband PCS? Also, the Commission notes that, earlier this year, the Small Business Administration amended and simplified its regulations governing the small business size standards in 13 CFR part 121, including amendment of its definition of ''affiliate''. The Commission seeks comment on whether it should amend its rules to provide a similar ''affiliate'' definition, which would include, for example, the following general principles of affiliation: (1) Concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both; and (2) factors such as ownership, management, previous relationships with or ties to another concern, and contractual relationships, will be considered in determining whether an affiliation exists.

9. The current part 1 rules define ''rural telephone company'' (or ''rural telco'') as any local exchange carrier, including affiliates, with 100,000 access lines or fewer. The Commission revised the definition of rural telephone company contained in the broadband PCS rules upon which the part 1 rule is based, to conform with that contained in the Telecommunications Act of 1996 (''1996 Act''). The Commission tentatively concludes that the definition of rural telco set forth in the 1996 Act should apply to all auctionable services as the term is used in section 309(j) of the Communications Act. Thus,

§ 1.2110(b)(3) would be amended so as to define the term ''rural telephone company'' as a local exchange carrier operating entity to the extent that such entity—(A) provides common carrier service to any local exchange carrier study area that does not include either (i) any incorporated place of 10,000 inhabitants or more, or any part thereof, based on the most recently available population statistics of the Bureau of the Census, or (ii) any territory, incorporated or unincorporated, included in an urbanized area, as defined by the Bureau of the Census as of August 10, 1993; (B) provides telephone exchange service, including exchange access, to fewer than 50,000 access lines; (C) provides telephone exchange service to any local exchange carrier study area with fewer than 100,000 access lines; or (D) has less than 15 percent of its access lines in communities of more than 50,000 on the date of enactment of the Telecommunications Act of 1996. The Commission seeks comment on this tentative conclusion.

10. Since the Commission began conducting spectrum auctions, installment payments have been utilized as a means of assisting small entities that are likely to have difficulty obtaining adequate private financing. Pursuant to the part 1 rules, unless otherwise specified, such installment payment plans (1) impose interest based on the rate of U.S. Treasury obligations at the time of licensing, plus a possible premium (2) allow installment payments for the full license term, (3) begin with interest-only payments for the first two years, and (4) amortize principal and interest over the remaining term of the license. Additionally, winning bidders are required to execute a promissory note and security agreement as a condition to participate in the installment payment plan.

11. Changes in the basic framework of the installment payment plans have been made in specific services as the Commission has gained experience from implementing the rules. In certain services the Commission has adopted ''tiered'' installment payment plans, which vary in terms of interest rate and payment terms, depending on the size of the licensee. While the Commission seeks to continue to offer these opportunities to small businesses, and possibly other entities, it seeks comment on ways to refine the installment payment plans to streamline without reducing their benefit to small businesses. For example, it seeks comment on whether the Commission or its designee should seek non-resource intensive means to screen applicants applying for installment payment plans to determine their credit worthiness, and if so, whether all bidders eligible for installment payments should be screened before the start of an auction, or only auction winners. If the Commission were to adopt such screening, what information or standards should serve as criteria for judging a bidder's credit worthiness? Further, the Commission seeks comment on whether it should offer higher bidding credits in lieu of installment payments for winning bidders who qualify. The Commission notes that substituting a system of larger bidding credits might eliminate the administrative and market concerns associated with installment payments, while nonetheless ensuring opportunities for small businesses to participate in auctions. On the other hand, however, installment payment plans have been a useful tool for small businesses to access capital.

12. As an alternative to offering higher bidding credits in lieu of installment payments, the Commission seeks comment on whether it should require larger down payments, such as 30 or 40 percent, to reduce the amount of a bidder's high bid that is financed by the federal government. Increasing the amount of money a bidder has at stake in the event of a default may reduce the likelihood of default and will reduce the government's risk in the event of default. The Commission also seeks comment on whether it could achieve the same goal of reducing the likelihood of default by adopting a requirement that bidders increase their upfront payment during the course of the auction once their cumulative high bids exceed their upfront payment by some multiple. For example, once a bidder's cumulative bids were more than twenty-five times its upfront payment, it would be required to deposit additional funds with the Commission. The Commission seeks comment on this proposal and how it could be implemented, including the appropriate multiplier used to trigger the supplemental upfront payment obligation.

13. In addition, the Commission proposes that the general competitive bidding rules be amended to include a schedule of installment payment plans for designated entities seeking to participate in the provision of spectrum-based services. Defining available installment payment plans in the general competitive bidding rules would give potential bidders more certainty about the special provisions available to small businesses and other entities and promote uniformity of regulation. As discussed above, the Commission believes that once a small business definition is adopted for a particular service, or other entities are identified as qualifying for installment payments, eligible businesses should be able to turn to the part 1 rules to determine the specific terms available to them. The following schedule of installment payment plans is a possible approach to implementing this concept.

Average gross revenues	Interest rate	Payment terms
Not to exceed $3 million	T-note rate	2 yrs. interest-only payments; amortize principal and interest over remaining license term.
Not to exceed $15 million	T-note rate + 1.5%	2 yrs. interest-only payments; amortize principal and interest over remaining license term.
Not to exceed $40 million	T-note rate + 2.5%	2 yrs. interest-only payments; amortize principal and interest over remaining license term.
Not to exceed $75 million[1]	T-note rate + 2.5%	Amortize principal and interest over license term.
Not to exceed $125 million[1]	T-note rate + 3.5%	Amortize principal and interest over license term.

[1] These entities have never been defined as small businesses by service-specific rules, but for broadband PCS they may have been eligible for installment payments as entrepreneurs.

The schedule set forth above is based in general on the plans adopted for the most recent auctions and, relying on past auction experience, the Commission believes these plans are appropriate. However, it recognizes that

plans with more generous terms were previously adopted for specific services. The Commission seeks comment on whether it should incorporate a schedule of installment payments into the general auction rules while still retaining the authority to modify payment terms on a service-specific basis. Further, it seeks comment on the appropriate schedule of payment terms.

14. Section 1.2110(e)(3)(i) of the rules indicates that the interest rate on installment payments will be the interest rate on Treasury obligations with maturities closest to the duration of the license term at the time of licensing. More precisely, the interest rate is established by using the coupon interest rate for Treasury notes with similar maturities, at the most recent preceding Treasury auction. The Commission notes that, in the *Competitive Bidding Second Report and Order*, 59 FR 22980 (May 4, 1994), it indicated *both* that it agreed with those commenters that suggested that interest on installments should be charged at a rate no higher than the government's cost of money and also that the interest rate imposed for installment payments should be equal to the rate for U.S. Treasury obligations of maturity equal to the license term. The Commission recognizes that determining the interest rate for installment payment plans pursuant to § 1.2110(e)(3)(i) may not always reflect the government's cost of money but it provides an objective benchmark for the interest rate determination. The Commission believes that it would be beneficial to licensees for it to more clearly identify in the rules how the interest rate would be determined for all installment payment plans. Therefore, it proposes to codify the existing policy by specifying that the interest rate for installment payments will be determined by taking the coupon rate of interest offered in the most recent Treasury auction preceding the close of the Commission's auction. The Commission seeks comment on this proposal. Further, it seeks comment on whether it should adopt some other basis for computing interest. For example, should the Commission establish more market-based interest rates with a cost of funds component and a premium for credit risk? If so, it asks commenters to discuss how it should determine the appropriate interest premium.

15. Where the Commission uses installment payment plans, it proposes to set the interest rate for such payment plans on the date that the Public Notice is issued announcing the close of the auction and the winning bidders, based on rates established in the most recent Treasury auction with obligation of the appropriate term. Currently, § 1.2110(e)(3)(i) of the Commission's general competitive bidding rules requires that the Commission impose interest based on the rate of U.S. Treasury obligations at the time of licensing. The Commission tentatively concludes, however, that establishing the interest rate on the day that the Public Notice is released announcing the close of the auction is the most appropriate time for both licensees and the Commission. The close of the auction represents the most clearly identifiable time when an obligation to the Commission and the United States Treasury is established. Establishing the interest rate in this way also provides a uniform date on which the interest rate for all prospective licensees within a particular service is established, regardless of petitions to deny or other delays that may vary among bidders. In addition, the Commission believes that establishing the interest rate at a date earlier than the date of licensing would assist bidders in efforts to obtain financing, as interest expense would be calculable from a specific known date. Furthermore, the Commission believes that establishing the interest rate as it proposes would reduce the interest rate risk to the bidder and mitigate this risk to the capital investor. Establishing the interest rate earlier than the point of licensing would also permit the licensee to receive, review, and return the necessary note and security agreement earlier, which would also speed the licensing process. This, in turn, should hasten the development of service to the marketplace. Alternatively, the Commission could establish the interest rate for the installment payment plan in the Public Notice announcing the start of the auction, with the rate based on the most current Treasury rate on that date. This would enable both bidders and potential capital investors to better assess a bidder's prospective financial obligations during the auction. The Commission seeks comment on each of its proposals, tentative conclusions, and alternatives.

16. Under the current general competitive bidding rules, the Commission may award bidding credits (*i.e.*, payment discounts) to eligible designated entities. These general rules also provide that service-specific rules will specify the designated entities eligible for bidding credits, the licenses for which bidding credits are available, the amounts of bidding credits, and other procedures. Accordingly, the Commission has adopted separate rules governing bidding credits for various auctionable services.

17. As with installment payments, the Commission believes that the general competitive bidding rules should be amended so that the levels of available bidding credits are defined, and are uniform for all auctionable services. The Commission believes such an approach will be beneficial because potential bidders will have more information well in advance of the auction than they currently do about how such levels will be set. It believes that, once a small business definition is adopted for a particular service, eligible businesses should be able to refer to the part 1 rules to determine the level of bidding credit available to them. The following schedule is a possible approach to implementing this concept.

Average annual gross revenues	Bidding credits (percent)
Not to exceed $3 million	25
Not to exceed $15 million	15
Not to exceed $40 million	10

The Commission recognizes that these credits may differ from those previously adopted for specific services. Based on past auction experience, however, the Commission believes that the approach taken here would provide adequate opportunities for small businesses of varying sizes to participate in spectrum auctions. In addition, the Commission believes that providing slightly less generous bidding credits for larger businesses (*e.g.*, those businesses with gross revenues not exceeding $40 million) would more specifically tailor the amount of the credit to the needs of the particular applicant. The Commission seeks comment on this schedule, and it also asks interested parties to suggest alternatives. For example, does the demand for capital to implement certain services justify including businesses with average annual gross revenues exceeding $40 million on this schedule? The Commission recognizes that it has suggested that it might be appropriate in some cases to provide larger bidding credits in lieu of installment payments. The Commission is aware that in developing their auction strategy, bidders make calculations about the net present value of their bids and factor in their ability to obtain financing. Therefore, the same net effect can be achieved by giving either higher bidding credits or more generous installment payment terms. If the Commission limited the use of installment payments,

how should that action affect levels of bidding credits?

18. Under the general competitive bidding rules, a licensee seeking Commission approval of a transfer of control or an assignment of a license acquired through the competitive bidding process utilizing installment payments is required to pay the remaining principal balance as a condition of the transfer. No payment is required, however, when the proposed transferee or assignee is qualified to obtain the same installment financing and assumes the applicant's installment payment obligations. Many of the service-specific auction rules include similar provisions. However, some service-specific unjust enrichment provisions for installment payments contain certain variations from the general rule set forth in Part 1. The broadband PCS unjust enrichment rule, for example, specifies that applicants seeking to assign or transfer control of a license to an entity not meeting the eligibility standards for installment payments must pay not only unpaid principal as a condition of Commission approval but also any unpaid interest accrued through the date of assignment or transfer. This rule also provides that if a licensee utilizing installment financing seeks to make any change in its ownership structure that would result in the loss of eligibility for installment payments, it must pay the unpaid principal and accrued interest as a condition of Commission approval of the change. Finally, in recognition of the tiered installment payment plans offered to broadband PCS licensees, the rule provides that if a licensee seeks to make any change in ownership that would result in the licensee qualifying for a less favorable installment plan, it must seek Commission approval and adjust its payment plan to reflect its new eligibility status. A licensee, under this rule, may not switch its payment plan to a more favorable plan.

19. Under the Commission's general competitive bidding rules, a licensee seeking Commission approval of a transfer of control or an assignment of a license acquired through the competitive bidding process utilizing bidding credits, or proposing to take any other action relating to ownership or control that will result in loss of eligibility for such bidding credits, is required to pay the sum of the amount of the bidding credit plus interest as a condition of FCC approval. Under the broadband PCS rules, if, within the original term, a licensee applies to assign or transfer control of a license to an entity that is eligible for a lower bidding credit, the difference between the bidding credit obtained by the assigning party and the bidding credit for which the acquiring party would qualify must be paid to the United States Treasury as a condition of approval of the assignment or transfer.

20. The Commission proposes to amend the general unjust enrichment rules to conform them to the broadband PCS rules. It believes that these rules are preferable to the current general unjust enrichment rules because they provide greater specificity about funds due at the time of transfer or assignment and specifically address changes in ownership that would result in loss of eligibility for installment payments, which the current general rules do not address. The broadband PCS rules also address assignments and transfers between entities qualifying for different tiers of installment payments or bidding credits, thus supplying clearer guidance for auctions in which tiered installment payment plans or bidding credits are provided. The Commission seeks comment on this proposal. Further, it seeks comment on whether it should adopt an unjust enrichment provision that provides a scale of decreasing payment liability based on the number of years a license is held as it has recently done for other services. For example, should the Commission adopt a rule that provides that a business that holds a license that it obtained with a bidding credit must pay back 60 percent of its bidding credit if it transfers the license after five years; 50 percent after eight years; 40 percent after nine years; and 20 percent after ten years? The Commission also solicits comment on unjust enrichment rules as they apply to partitioning and disaggregation. If it decides to adopt partitioning and disaggregation for various services, how should the unjust enrichment rules apply when the partitioner or disaggregator is the recipient of a bidding credit or is paying on an installment payment plan? Should the Commission adopt for all auctionable services the same provisions that it adopted for broadband PCS?

21. In recent auctions, the Commission has allowed applicants to file their applications either manually or electronically. The Commission believes that requiring all applications to be filed electronically is in the best interest of auction participants as well as members of the public interested in monitoring Commission auctions.

22. The Commission therefore tentatively concludes to amend §§ 1.2105(a) and 1.2107(c) of the rules to require that all short-form and long-form applications be filed electronically beginning January 1, 1998. The Commission recognizes that there is a need for a period of time before a comprehensive electronic filing requirement becomes effective in order for bidders to prepare and be completely comfortable with this process. It believes that the effective date proposed here will provide potential bidders with adequate time in which to adapt to electronic filing requirements. The Commission seeks comment on this tentative conclusion.

23. Section 1.2105(b) of the Commission's rules addresses modifications and amendments to FCC Form 175. Specifically, § 1.2105(b)(2) provides that bidders may make minor changes or correct minor errors in the FCC Form 175 application, but major amendments may not be submitted after the initial application deadline. This section further provides that the Commission will classify all amendments as major or minor pursuant to service-specific rules. The Commission proposes to amend the general auction rules to define major amendments to FCC Form 175 uniformly for all auctionable services. It proposes at a minimum to consider any change in ownership that constitutes a change in control to be a major amendment. It also proposes to consider application amendments that show a change in an applicant's size which would affect its eligibility for small business provisions to be a major amendment. The Commission also seeks comment on which other kinds of changes should be deemed major, and which should be deemed minor. For example, how should it treat changes to the licenses selected in simultaneous multiple round auctions? In previous auctions, applicants have claimed that they made mistakes in their license selection and have requested that the Commission allow them to add or delete license selections during the resubmission period. While the Commission has generally refused to grant these requests in order to prevent collusive conduct or gaming that would reduce the competitiveness of the auction, there may be some circumstances in which the competitiveness of the auction might be enhanced by allowing applicants to add licenses to their FCC Form 175 applications. The Commission therefore ask commenters to consider whether an amendment to add licenses should be permissible as a minor amendment. If so, it also asks whether such an amendment should be permitted only until the deadline for submitting upfront payments, because after that point the risks of gaming in the auction

increase due to the availability of information concerning each bidder's eligibility. For example, should an applicant be permitted to add a license designation to its short-form application only if that license already has been designated by two or more applicants? The Commission seeks comment on each of these proposals.

24. Currently, the general competitive bidding rules do not set forth any ownership disclosure requirements for auction applicants on their short-form applications. Service-specific rules, however, require varying degrees of specific ownership information from applicants. For example, both the narrowband PCS and broadband PCS rules require detailed ownership disclosure from all auction applicants. These rules also state additional requirements for applicants claiming designated entity status. On both the short-and long-form applications for narrowband PCS, applicants must submit a list of (1) any business five percent or more whose stock, warrants, options, or debt securities are owned by the applicant, (2) any business which holds a five percent or more interest in the applicant or any business in which a five percent or more interest is held by another company which holds a five percent interest in the applicant, (3) entities holding a five percent or more interest in the applicant, and (4) partners in a partnership. Short-form applicants claiming designated entity status also are required to list all control group members and provide a calculation of gross revenues and personal net worth. Although the broadband PCS requirements are very similar to those for narrowband PCS, the Commission has recently amended the broadband PCS application requirements to make them less burdensome on applicants. Thus, broadband PCS applicants are required to disclose on both short-form and long-form applications a list of (1) any business, holding or applying for CMRS or PMRS licenses, five percent or more of whose stock, warrants, options or debt securities are owned by the applicant, (2) any party which holds a five percent or more interest in the applicant, or any entity holding or applying for CMRS or PMRS licenses in which a five percent or more interest is held by another party which holds a five percent or more interest in the applicant, (3) any person holding five percent or more of each class of stock, warrants, options, or debt securities, and (4) in the case of partnerships, the name and address of each partner. Broadband PCS applicants that claim designated entity status must also identify control group members and provide net asset and gross revenues figures. This information was necessary at the short-form stage for the C and F blocks because participation in these blocks was limited to entities below a net asset and gross revenue threshold.

25. The Commission continues to believe that detailed ownership information is necessary to ensure that applicants claiming designated entity status in fact qualify for such status, and to ensure compliance with spectrum caps and other ownership limits. Disclosure of ownership information also aids bidders by providing them with information about their auction competitors and alerting them to entities subject to the anti-collusion rules. A standard disclosure requirement, however, would avoid the variation and possible inconsistency found in the current service-specific ownership disclosure requirement. Thus, the Commission seeks comment on whether it should adopt standard ownership disclosure requirements for all auctionable services that are similar to the current rules for broadband PCS. It also seeks comment on what ownership information should be required. Finally, the Commission asks commenters to address whether ownership disclosure should vary depending on whether an applicant is applying for special provisions, such as bidding credits or installment payments.

26. In addition, the Commission also proposes to adopt a uniform reporting requirement for all applicants claiming designated entity status. Specifically, it proposes to adopt a reporting requirement similar to that in the 900 MHz SMR rules. That rule, unlike the broadband PCS rule, focuses on affiliates and their gross revenues rather than more complex control group equity structures. In keeping with its proposal to adopt the simpler controlling principals and affiliates test, the Commission proposes an analogous reporting requirement. Therefore, it proposes that applicants claiming small business status be required to disclose on their short-form application the names of each controlling principal and affiliate and gross revenues calculations for each. On their long-form applications, they would be required to disclose any additional gross revenues calculations, any agreements that support small business status, and any investor protection agreements. The Commission seeks comment on this proposal.

27. Currently, the Commission's ownership disclosure rules require applicants to file specific ownership information, in conjunction with their FCC Form 175, prior to each auction. Similarly, at the close of each auction, winning bidders are required to file ownership information on each long-form application.

28. The Commission believes that by requiring these ownership disclosure filings, it ensures that it receives all the information necessary to evaluate an applicant's qualifications. The Commission notes, however, that these requirements could result in duplicative filings. In order to streamline the application procedure at both the short-form and long-form stage, the Commission requests comment on whether it should create a central database of licensee and bidder data, which would allow bidders to avoid repeating ownership information in each application in each auction. The Commission tentatively concludes that applicants should be able to file ownership information to apply for the first auction in which they participate and that this information should then be stored in a central database which subsequently would be updated each time applicants participate in another auction. After applying for its first auction, an applicant filing for a subsequent auction would either update the ownership information in the database, or rely on the information in the database and certify that there have been no changes. The Commission believes this approach would benefit auction applicants by reducing the time spent preparing auction applications, and it would benefit the Commission by eliminating the need to review and analyze duplicative filings. The Commission seeks comment on this approach to ownership disclosure.

29. Under the broadband PCS rules, the Commission has reserved the right to conduct random audits of applicants and licensees in order to verify information provided regarding their eligibility for certain special provisions. Such entities certify their consent to audits on their short-form applications. The Commission proposes to explicitly reserve this right for all auctionable services and seeks comment on this proposal.

30. Section 309(j)(8)(C) of the Communications Act as amended by the Telecommunications Act of 1996, requires that any deposits the Commission may require for the qualification of any person to bid in an auction shall be deposited into an interest bearing account. The Communications Act further requires that within 45 days of the auction's conclusion, the deposits of successful bidders shall be paid to the Treasury,

the deposits of unsuccessful bidders shall be returned, and all accrued interest shall be transferred to the Telecommunications Development Fund. Prior to the enactment of this provision, auction deposits were submitted to a non-interest bearing account with the Department of Treasury. Bidders who completely withdrew prior to the close of the auction could, upon written request, receive a refund of their upfront payments prior to the close of the auction.

31. It is unclear whether Congress intended, by enacting this new law, to require the Commission to change its practice of refunding upfront payments to bidders who withdraw during the course of an auction. The Commission believes that its current practice of returning the upfront payments of bidders who have completely withdrawn prior to the conclusion of competitive bidding is in the public interest as it prevents unnecessary encumbrances on the funds of auction bidders, many of whom may be small businesses, after they have withdrawn from the auction. The Commission seeks comment on this practice and whether it is consistent with the Communications Act.

32. The Commission determined in the *Competitive Bidding Second Report and Order* that, upon the conclusion of the auction, a bidder must tender a significant and non-refundable down payment to the Commission over and above its upfront payment in order to provide further assurance that the winning bidder will be able to pay the full amount of its winning bid. The Commission thus required that, within five business days after being notified that it is a high bidder on a particular license, a high bidder must submit to the Commission additional funds as are necessary to bring its total deposits up to 20 percent of its high bid(s).

33. In the *Order* accompanying this *NPRM,* the Commission modified the due date for down payments to ten business days after the issuance of a Public Notice announcing winning bidders. In this *NPRM,* the Commission proposes to retain discretion to determine the down payment amount required for each service and delegate authority to the Bureau to announce this amount in a Public Notice to be issued prior to the start of the auction. In exercising this authority, as discussed above, the Bureau will seek input from the public. The Commission continues to believe that a substantial down payment is needed to ensure that licensees have the financial capability to attract the capital necessary to deploy and operate their systems, and to protect against default. The Commission believes that giving the Bureau the discretion to determine the level of down payments for each auction would be the best way to ensure that such levels remain appropriate for developing and evolving industries. The Commission seeks comment on this proposal. It also seeks comment on whether the level of down payments which it has used in the past should be raised for some services.

34. Section 1.2109(a) of the Commission's rules provides that auction winners not eligible for installment payments are generally required to make final payment on their license(s) within a certain time following award of the license(s). Section 1.2110(e) of the Commission's rules provides that all winning bidders eligible for installment payments are required to submit a second down payment within a certain time of the license grant. These payment deadlines are announced by public notice when the Commission has granted or is prepared to grant the license(s). Where a winning bidder fails to make its final auction payment for the balance of its winning bid or fails to make the second down payment in a timely manner, it is considered in default on its license(s) and subject to the applicable default payments.

35. The Commission continues to believe that the strict enforcement of payment deadlines preserves the integrity of the auction and licensing process by ensuring that applicants have the necessary financial qualifications. In this connection, the Commission believes that the *bona fide* ability to pay demonstrated by a timely first down payment is essential to a fair and efficient auction process and, thus, it does not propose to modify the approach of requiring timely submission of first down payments. The Commission nonetheless recognizes that applicants may encounter certain difficulties when trying to arrange financing and make substantial payments under strict deadlines. In circumstances which may warrant favorable consideration of a waiver request or an extension of the payment date, it must also evaluate the fairness to other licensees who made their payment in a timely fashion. Accordingly, the Commission proposes to allow winning bidders to make their final payments or second down payments within a short period after the applicable deadline, provided that they also pay a late fee. The Commission believes that, by committing substantial capital to their license acquisition in the form of an initial down payment, winning bidders have demonstrated a *bona fide* interest in becoming a licensee, but have also incurred a substantial debt to the federal government. The Commission, therefore, seeks comment on the appropriate time period to allow late second down payments and final payments. It believes that the late payment period should be short (*e.g.,* no longer than 10 business days). The Commission tentatively concludes that, if a winning bidder misses the final payment or second down payment deadline and also fails to remit the required payment (plus the applicable late fee) by the end of the late payment period, it would be declared in default and subject to the applicable default payments. The Commission seeks comment on this tentative conclusion.

36. Additionally, the Commission seeks comment on the appropriate fee to impose for late payment. Because it believes that the late payment fee should be large enough to deter winning bidders from making late payments and yet small enough so as not to be punitive, it tentatively concludes that a late payment of five percent of the amount due is consistent with general commercial practice and provides some recompense to the federal government for the delay and administrative or other costs incurred. The Commission seeks comment on this proposal and asks that commenters proposing alternative late payment fee(s) provide a rationale for the alternative fee amount(s).

37. This proposal to allow late payments is limited to payments owed by winning bidders that have had their licenses conditionally granted or where the license grant is imminent. As indicated above, the Commission does not propose to adopt a late payment period for initial down payments that are due soon after the close of the auction. It believes it is reasonable to expect that winning bidders timely remit their initial down payments, given that is their first opportunity to demonstrate to the Commission their ability to make payments towards the licenses of interest to them. Further, if a winning bidder defaults on its initial down payment on a license, the Commission can take action under § 1.2109(b) relatively soon after the auction has closed, by, for example, re-auctioning the license or offering it to the other highest bidders (in descending order) at their final bids. Similarly, the Commission does not propose to allow any late submission of upfront payments. Allowing late submission of upfront payments would slow down the

licensing process by delaying the start of an auction.

38. Under the current rules, winning bidders that are designated entities are not required to pay their second down payment until petitions to deny filed against them are dismissed or denied. In the interim, designated entity winning bidders for the same auction with no petitions filed against them are required to submit their second down payments earlier because their licenses are ready for grant.

39. The Commission seeks comment on whether it should require all designated entities that win licenses to make their second down payments at the same time. If so, one way to implement this would be for winning bidders who have petitions to deny pending against them to submit their second down payments to the Commission to be deposited into an escrow account. If the petitions to deny are granted, the bidder would be refunded the amount of the second down payment subject to any default payments owed the Commission. If the petitions to deny are dismissed or denied, the funds would be transferred from the escrow account and applied to the balance owed by the licensee. This procedure would have the effect of ensuring that all designated entities pay their down payments in a uniform fashion, thus, reducing any potential inequities that could result from differing payment dates. It would also avoid requiring a bidder with petitioned and non-petitioned licenses to make several payments to the Commission. The Commission seeks comment, however, on whether this procedure would affect the ability of bidders that are subject to petitions to deny to access capital to make their down payments. The Commission also seeks comment on whether all non-designated entities should be required to make payment in full at the same time for the same reasons discussed in connection with designated entities.

40. Section 1.2104(g) of the rules provides that when a bidder withdraws, defaults, or is otherwise disqualified from a simultaneous multiple round auction, upfront and/or down payment amounts that the bidder has on deposit with the Commission will be applied first to the bid withdrawal and default payments owed the Commission. This rule has been interpreted to encompass upfront and/or down payment funds a bidder has on deposit for licenses won at the same auction. The Commission proposes to delete the language ''simultaneous multiple round'' from § 1.2104(g) because it believes that it should apply to other auction designs with equal force as it does to a simultaneous multiple round auction. The Commission believes strict rules regarding default payments will discourage insincere bidding, maintain the integrity of the auction and ensure that licenses end up in the hands of those parties that value them the most and have the financial capacity to provide service. It seeks comment on this proposal.

41. In the *Competitive Bidding Fifth Report and Order,* 59 FR 43062 (August 22, 1994), the Commission provided that, where the default payment cannot be determined at the time of default by a broadband PCS licensee (*e.g.* because the license has not yet been reauctioned), the Commission can obtain a deposit on the default payment to be held on deposit until such time as the final default obligation can be determined. This deposit is held by the Commission until the final default payment can be established and is paid. The purpose of this provision is to maintain the integrity of the auction by discouraging defaults on the part of bidders, encouraging bidders to make secondary or back-up financial arrangements, and ensuring that default payments are made in a timely manner. The Commission seeks comment on a proposal to modify the rules to provide for a similar default deposit for all auctionable services of at least three percent (3%) of the defaulted bid amount.

42. For the broadband PCS F block auction, the Commission amended the terms of the installment payment plans to provide for late payment fees. Thus, when licensees are late in their scheduled installment payments, the Commission will charge a late payment fee equal to five percent (5%) of the amount of the past due payment. The Commission instituted this fee because it concluded that, without it, licensees may not have adequate financial incentives to make installment payments on time and may attempt to maximize their cash flow at the government's expense by paying late.

43. The Commission seeks comment on whether it should adopt, for all auctionable services, a late payment fee on any installment payment that is overdue. The late fee could be set, for example, at a rate that is equal to five percent (5%) of the overdue payment. Such payment would accrue on the next business day following the payment due date and would be payable with the next quarterly installment payment obligation. This fee would be assessed for each quarterly payment submitted late. Payments would be applied in the following order: late charges, interest charges, principal payments. Thus, a licensee who makes payment after the due date but does not make payment sufficient to pay the late fee, interest, and principal, will be deemed to have failed to make full payment and will be subject to license cancellation pursuant to the Commission's rules. The Commission tentatively concludes that such a late payment provision is necessary to ensure that licensees have an adequate financial incentive to make installment payments on time. It seeks comment on this tentative conclusion and notes that licensees would continue to have 90 days before a payment is deemed delinquent but a late payment fee would be assessed during this period.

44. Section 1.2110(e)(4)(ii) of the Commission's rules provides that interest that accrues during a grace period will be amortized over the remaining term of the license. Amortizing interest in this way has the effect of changing the amount of all future payments and requiring the Commission, or its designee, to generate a new payment schedule for the license. Changing the amount of the installment payment has, in turn, created uncertainty about the interest schedule, and increased the administrative burden by requiring formulation of a new amortization schedule.

45. Section 1.2110(e)(4)(ii) also states that in considering whether to grant a request for a grace period, the Commission may consider, among other things, the licensee's payment history, including whether the licensee has defaulted before, how far into the license term the default occurs, the reasons for default, whether the licensee has met construction build-out requirements, the licensee's financial condition, and whether the licensee is seeking a buyer under an authorized distress sale policy. Under this rule, licensees are required to come before the Commission with a filing as well as financial information such as an income statement or balance sheet, in the case of financial distress, to provide the necessary information for the Commission to make its ruling. Licensees are then required to wait for a ruling by the Commission before knowing whether a grace period has been granted or denied. This could place licensees in a position of uncertainty if they are seeking to restructure other debt contingent upon the results of the Commission's grace period ruling.

46. In order to avoid the potential problems associated with changing the amount of installment payments, the Commission proposes to amend

§ 1.2110(e)(4)(ii) to require all current licensees who avail themselves of the grace period to pay all fees, all interest accrued during the grace period, and the appropriate scheduled payment with the first payment made following the conclusion of the grace period. It seeks comment on this proposal.

47. Further, to simplify the grace period procedures, the Commission proposes to revise the method by which grace periods are provided. The Commission or its designee may not have the necessary resources to evaluate a licensee's financial condition, business plans, and capital structure proposals. Therefore, instead of considering grace period requests, the Commission could institute the following system: If a licensee did not make payment on an installment obligation within 90 days of its due date, then the licensee would automatically receive an additional 90 days to make that payment contingent upon receipt of the 5 percent late payment fee proposed above plus an additional late payment fee of 10 percent. The late payment fee that the Commission proposes here is greater than the 5 percent late payment fee that it proposes for non-grace-period late installment payments because it envisions the grace period as an extraordinary remedy and wish to encourage licensee to seek private market solutions to their capital problems before the payment due date or, at a minimum, within 90 days of the due date. Under this proposal licensees would not be required to submit a filing to receive a grace period; however, licensees would be expected to resume payments after the 90 day grace period is over. This approach would also be consistent with the standard commercial practice of establishing late payment fees and developing financial incentives for licensees to resolve capital issues before payment due dates. Payments from the licensee would be applied to late fees, interest, and principal, in that order. Any licensee that did not make full payment of all amounts, including a total late payment fee of 15 percent, within 180 days of the payment due date would have its license automatically canceled as provided in § 1.2110(e)(4)(ii). The Commission seeks comment on this method of providing for an automatic grace period.

48. The Commission also seeks comment on whether licensees that default on installment payment obligations should be subject to the default payment provisions outlined in § 1.2104(g), *i.e.*, the difference between the defaulting winner's bid and the subsequent winning bid plus 3 percent of the lesser of these amounts. Sections 1.2110(e)(1) and 1.2110(e)(2) provide that applicants eligible for installment payments will be liable for such a payment if they fail to remit either their initial or final down payment. Section 1.2110(e)(4)(iii) provides that following the expiration of any grace period without successful resumption of payment, or upon denial of a grace period request, or upon default with no such request submitted, the license of an entity paying on an installment basis will be canceled automatically. This section does not state, however, that under these circumstances the licensee will be liable for the default payment set forth in § 1.2104(g). Furthermore, the Commission has been asked to address the issue of cross default in the context of installment payments. A cross-default provision would specify that if a licensee defaults on one installment payment loan, it would also default on any other installment payment loans it holds. These provisions are standard in credit-related agreements.

49. The Commission tentatively concludes that a licensee that makes the necessary down payments but defaults on installment payments should not be exempt from the default payment provisions of § 1.2104(g). Licensees that default at any point in the auction process, either before licenses are issued or during the installment payment period, reduce the efficiency of the licensing process. A default, regardless of when it occurs, makes it necessary for the Commission to incur the costs of reauctioning the license, and the default delays the deployment or continuation of service in the affected market. The Commission believes that imposing the default payment of § 1.2104(g) on all defaulting licensees would serve to discourage defaults and encourage licensees to find private market solutions for default situations in addition to covering the cost the government must incur to reauction the license. The Commission seeks comment on this tentative conclusion and on the appropriate method for calculating default payments when defaults occur during the license term.

50. The Commission seeks comment on whether it should cross default its installment payment plan loans with other installment payment plan loans to the same licensee. If adopted, should a cross default provision apply across services? For example, if a licensee, with both SMR and broadband PCS licenses, defaults on one of its PCS licenses, should the Commission consider pursuing default remedies against all PCS and SMR licenses? Instead, should the Commission pursue default remedies against the single license only? What factors should influence its decision to pursue cross-defaults? Should cross-defaults be applied automatically or on a case-by-case basis? The Commission also seeks comment, in general, on what remedies are appropriate when licensees default.

51. Congress has directed the Commission to ''design and test multiple alternative methodologies for auction designs.'' The Commission is interested in reducing the length of the auctions without sacrificing the economic efficiency of the assignment process. It seeks comment, in general, on how it can speed the auctions (and in particular the simultaneous multiple round auctions). For example, how could the current procedural rules for simultaneous multiple round auctions be modified to meet this objective, or what new designs might be used to efficiently allocate numerous licenses?

52. The Commission believes that one way complex auctions of multiple licenses could proceed more quickly would be to modify the current simultaneous multiple round auction to allow bidding on a continuous basis within a combined bid submission/bid withdrawal period. This would give bidders immediate feedback on new high bids, withdrawn high bids and minimum accepted bids, and provide them with the opportunity to move the auction along more quickly. Under the current simultaneous multiple round auction rules, each round of bidding contains a discrete bid submission period and a bid withdrawal period. The rules permit bidders to place bids once within the submission period of the round on licenses that they are eligible to bid on, and they may withdraw high bids only during the bid withdrawal period. This requires bidders to wait until the end of the round to determine their status. An open, continuous bidding round—in which bidders would know when their bid has been exceeded and would be free to bid again—could reduce the delay inherent in the current design. Therefore, the Commission proposes to amend the general rules to provide for such ''real time'' bidding as another design feature for electronic multiple round auctions.

53. The Commission recognizes, however, that it may be difficult for bidders to react quickly enough to ensure that in each bidding round they make new high bids on the necessary percentage of their bidding eligibility to meet their activity requirement. Therefore, it proposes that after each fixed period of real time bidding (when

only standing high bids from the previous round and new high bids from the current round count in determining the bidder's activity level) the Commission would open a discrete closed bidding period, when bidders would be able to submit valid bids (bids that meet or exceed the minimum accepted bid) at the end of the ''real time'' bidding to ensure that they have the opportunity to meet their activity requirements for the round. Following the discrete closed bidding period, the Commission would post the final round results for the period and make all bids available to the public. By allowing a discrete period of time for bidders to make valid bids at the end of the round, the Commission would reduce the risks associated with real time electronic bidding.

54. Because ''real time'' auctions are a variation of the simultaneous multiple round auction design established in the rules, the Commission tentatively concludes that many of the same procedures should apply. These include: Upfront payments to determine eligibility, activity requirements that apply to each round, minimum bid increments, and a stopping rule. However, the Commission believes that separate rules would be required on certain issues. The Commission seeks comment on issues that arise when the bid submission and bid withdrawal periods are combined, such as how withdrawn bids should be treated when calculating current activity. For example, whether a bid that is placed and withdrawn in one round should count as activity, and whether a withdrawn bid will negate the status of that bid as activity in the current round as well as the status as standing high bid.

55. In addition, the Commission seeks comment on the appropriate length for the real time bidding rounds. It seeks comment on what measures it can take to assure bidders that they will have enough time to determine their bidding strategies with ''real time'' bidding. In particular, the Commission seeks comment on the impact of ''real time'' bidding on small businesses, generally, and particularly on their ability to process bid information during the course of a single round.

56. Currently, § 1.2104(d) of the rules states that the Commission may establish *suggested* minimum opening bids. In the *Competitive Bidding Second Report and Order,* the Commission noted that if only two or three applicants applied to bid for a valuable license, it might set a reservation price. A reservation price is a price below which a license subject to auction will not be awarded. The Commission provided the option of setting a reservation price in order to prevent a license from being awarded under circumstances where there would be little competition among bidders and significant incentives to collude.

57. The Commission proposes to amend § 1.2104 to specify that it may establish minimum opening bids, rather than suggested minimum opening bids. Such a rule has been adopted in service-specific rules. The Commission proposes to amend the general competitive bidding rules to allow it to establish a minimum opening bid because it believes that a minimum opening bid can serve some of the same purposes as a reservation price. A minimum opening bid increases the likelihood that the public receives fair market value for the spectrum being auctioned and can also help an auction move more swiftly. The Commission seeks comment on this proposal.

58. A bid increment is the amount or percentage by which a bid must be raised above the previous round's high bid in order to be accepted as a valid bid in the current round. The Commission determined in the *Competitive Bidding Second Report and Order* that it would reserve the right to specify minimum bid increments in dollar terms as well as in percentage terms. The Commission reasoned that imposing a minimum bid increment speeds the progress of the auction and, along with activity and stopping rules, helps to ensure that the auction comes to closure within a reasonable period of time. It did not reserve the discretion to specify maximum bid increments.

59. Whereas the minimum bid increment speeds the auction process, a maximum bid increment could prevent bidders from placing bids that are significantly higher than the minimum acceptable bid. This type of bidding is known as ''jump bidding.'' Some theoretical literature suggests that bidders could use jump bidding to manipulate the auction process and potentially reduce efficiency of the auction. Jump bidding complicates bidding strategy and denies bidders information about the number of bidders who would be willing to pay prices between the minimum acceptable bid and the jump bid. In the absence of information about the bidders who would be willing to participate at intermediate bids, other bidders might feel compelled to shade their bids more than they otherwise would. This behavior is an attempt to avoid the ''winner's curse,''—the phenomenon of a bidder winning only because he or she has overestimated the value of the license. A general principle of auction theory has it that the auction mechanisms which perform the best are those which are able to induce bidders to reveal the most information. To the extent that jump bids enable bidders to conceal information, the phenomenon moves the process away from the informational advantages of an ascending bid (multiple round) auction in the direction of a first-price sealed bid (single round) auction. The Commission seeks comment on whether it should retain the discretion to employ a maximum bid increment if it finds that jump bidding is impairing the auction process.

60. Under the current rules, if a high bid is withdrawn prior to the close of a simultaneous multiple round auction, the Commission will impose a payment equal to the difference between the withdrawn bid and the amount of the winning bid the next time the license is offered by the Commission. No withdrawal payment is assessed if the subsequent winning bid exceeds the withdrawn bid. If a winning bidder defaults after the close of an auction, the defaulting bidder will be required to pay the foregoing payment plus an additional payment of 3 percent of the subsequent winning bid or its own withdrawn bid, whichever is lower.

61. To help bidders avoid mistaken bids that could expose them to liability for bid withdrawal payments, the Commission has enhanced its electronic bidding software. The software now displays a warning screen to bidders when they try to place a bid that is far in excess of the minimum accepted bid. Bidders must affirmatively override this mistaken bid warning if they wish to place the bid. For example, if the minimum accepted bid for a license is $10,000, an excessive bid warning will appear if a bidder attempts to place a bid of $100,000 or more.

62. The Commission has also recently addressed the issue of how the bid withdrawal payment rules apply to bids that are mistakenly placed and subsequently withdrawn. In *Atlanta Trunking,* the Commission stated that, while it believes that in some cases full application of the bid withdrawal payment provisions could impose an extreme and unnecessary hardship on bidders, it may be extremely difficult for the Commission to distinguish between ''honest'' erroneous bids and ''strategic'' erroneous bids. The Commission held that in cases of erroneous bids, some relief from the bid withdrawal payment requirement appears necessary. Thus, it waived the bid withdrawal rules as they apply to 900 MHz SMR and broadband PCS and applied the following

guidelines: If at any point during an auction a mistaken bid is withdrawn in the same round in which it was submitted, the bid withdrawal payment should be the greater of (a) the minimum bid increment for that license and round, or (b) the standard bid withdrawal payment calculated as if the bidder had made a bid at the minimum accepted bid. If a mistaken bid is withdrawn in the round immediately following the round in which it was submitted, and the auction is in Stage I or Stage II, the withdrawal payment should be the greater of (a) two times the minimum bid increment during the round in which the mistaken bid was submitted or (b) the standard withdrawal payment calculated as if the bidder had made a bid at one bid increment above the minimum accepted bid. If the mistaken bid is withdrawn two or more rounds following the round in which it was submitted, the bidder should not be eligible for any reduction in the bid withdrawal payment. Similarly, during Stage III of an auction, if a mistaken bid is not withdrawn during the round in which it was submitted, the bidder should not be eligible for any reduction in the bid withdrawal payment.

63. In response to a commenter's request, the Commission recently modified the broadband PCS rules for the D, E, and F blocks to establish provisions governing the withdrawal of erroneous bids. It thus incorporated the guidelines fashioned in *Atlanta Trunking* into these rules. The Commission now proposes to change §§ 1.2104 and 1.2109 of the rules such that similar provisions adopted for the broadband PCS D, E, and F block auction will apply to all auctions. The Commission seeks comment on this proposal.

64. The current auction rules allow a high bidder on a license to withdraw its bid at any point during the auction, subject to a bid withdrawal payment. The Commission has recognized that allowing bid withdrawals facilitates efficient aggregation of licenses and pursuit of efficient backup strategies as information becomes available during the course of an auction. It also is cognizant that allowing withdrawals also risks encouraging insincere bidding and allowing the use of withdrawals for anti-competitive strategic purposes, such as signaling other bidders. To guard against such abuses, the Commission put in place a withdrawal payment equal to the difference between the withdrawn bid and the amount of the winning bid the next time the license is offered by the Commission. The Commission seeks comment on whether it should exercise its authority to limit withdrawals, and if so, under what circumstances. Should the Commission consider limiting the number of withdrawals that a bidder is permitted to make in an auction, the number of rounds in which withdrawals can be made, or the number of withdrawals permitted with respect to a particular license? Are there other ways to address concern about strategic withdrawals without unduly affecting bidders' ability to efficiently aggregate licenses? For example, should the Commission consider increasing the withdrawal payment or changing its structure?

65. Under § 1.2109(b) of the rules, if a winning bidder withdraws its bid after the auction has closed or fails to remit the required down payment within the requisite period after the Commission has announced high bidders, the bidder will be deemed to have defaulted. This rule also provides that, in such event, the Commission may either re-auction the license to existing or new applicants or offer it to the other highest bidders (in descending order) at their final bids. In the Order accompanying this NPRM, the Commission modified the down payment due date to ten business days after the Commission has issued a Public Notice announcing winning bidders, and accordingly adjusted the period within which the Commission has discretion to offer the defaulted license to bidders in the original auction to the same ten-day period.

66. When the Commission first adopted rules governing the licensing of defaulted licenses, it stated that ''[i]n the event that a winning bidder in a simultaneous multiple round auction defaults on its down payment obligations, the Commission will generally re-auction the license either to existing or new applicants.'' Noting that in some circumstances the costs of conducting a re-auction may not always be justified, the Commission reserved the discretion in cases in which the winning bidder defaults on its down payment obligation to offer a defaulted license to the highest losing bidders (in descending order of their bids) at their final bids if ''only a small number of relatively low value licenses are to be re-auctioned * * *.''

67. Having now developed a computerized auction system and conducted numerous auctions, the Commission believes that the costs of a re-auction, even for a small number of relatively low value licenses, would be minimal. Use of regularly scheduled quarterly auctions will also ensure rapid reauction. Further, re-offering a defaulted license to the next highest bidder (in descending order) at their final bids may not ensure that the license will be awarded to the bidder that values it the most highly. When more than one license is being auctioned, aggregation strategies may shift during the course of the auction, affecting interest of individual bidders.

68. The Commission asks commenters to address whether the Commission should (1) retain § 1.2109(b) in its current form, (2) modify the rule so that the Commission retains the discretion regardless of when a default occurs to offer the license only to the second highest bidder at its bid price (3) modify the rule so that the Commission retains discretion to offer a license on which the winning bidder has defaulted on its down payment obligation only to the second highest bidder, (4) modify the rule so that the Commission retains discretion to offer a defaulted license to the highest losing bidders (in descending order of their bids), but only at the final bid level of the second highest bidder, (5) modify the rule to require re-auction of defaulted licenses regardless of when a default occurs. Moreover, it seeks comment on whether it should modify the rule to codify the statement in the *Competitive Bidding Fifth Report and Order* that where there are a relatively small number of low value licenses, and only a short time has passed since the initial auction, the Commission may choose to offer the license to the highest losing bidder because the cost of conducting another auction may exceed the benefits. Commenters favoring this should indicate the parameters that the Commission should employ in determining which licenses might be re-offered to bidders in the original auction.

69. The Commission adopted rules to prohibit collusion in the *Competitive Bidding Second Report and Order* because it was concerned that collusive conduct by bidders prior to or during an auction could undermine the competitiveness of the bidding process and prevent the formation of a competitive post-auction market structure. In general, bidders are required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate to the competitive bidding process. With certain exceptions, all such arrangements must have been entered into prior to the filing of short-form applications. After such applications are filed and prior to the time that the winning bidder has made its required

down payment, all bidders are prohibited from cooperating, collaborating, discussing or disclosing in any manner the substance of their bids or bidding strategies with other bidders, unless such bidders are members of a bidding consortium or other joint bidding arrangement identified on the bidder's short-form application.

70. As the Commission's auction process has evolved, it has clarified the rules prohibiting collusion. Early on in the auction process, for example, the Commission established exceptions to the anti-collusion rules in an attempt to allow applicants greater flexibility to form agreements with other applicants and thereby acquire the capital necessary to bid successfully for licenses. Specifically, it amended the anti-collusion rules to permit a holder of a non-controlling attributable interest in an applicant to obtain an ownership interest in or enter into a consortium arrangement with another applicant for a license in the same geographic area, provided that the attributable interest holder certifies to the Commission that it has not communicated and will not communicate with the applicant or any one else information concerning the bids or bidding strategies (including which licenses an applicant will or will not bid on) of more than one applicant for licenses in the same geographic area in which it holds an ownership interest or with which it has a consortium arrangement. Additionally, Commission staff has issued public notices and letters that seek to interpret and clarify these rules.

71. The exception outlined above was adopted in order to facilitate the flow of capital to applicants by enabling parties to make investments in multiple applicants for licenses in the same geographic license areas. Having gained experience with implementing its anti-collusion rules, the Commission now believes that this exception is difficult to apply in a business setting. Entities are reluctant to invest in multiple applicants if they cannot obtain information about business plans and strategies, which often necessarily reflect bidding strategies or bids.

72. The Commission therefore proposes to modify this provision of the anti-collusion rule to permit entities to invest in multiple applicants if the original applicant withdraws from the auction. Under this proposal, a holder of a non-controlling attributable interest in an applicant would be permitted to obtain an ownership interest in or enter into a consortium arrangement with another applicant for a license in the same geographic area, provided that the original applicant has dropped out of the auction and is no longer placing bids, and the attributable interest holder certifies to the Commission that it did not communicate with the new applicant prior to the date that the original applicant withdrew from the auction. The Commission believes that this proposal will encourage entities to invest in bidders if their original applicant fails to complete the auction and will give such entities the flexibility needed to do so. Furthermore, it believes that prohibiting any communication with other applicants prior to when the original applicant withdraws from the auction will prevent investors from exerting pressure on smaller bidders to withdraw in exchange for teaming up with other larger bidders. The Commission seeks comment on this proposal.

73. In the proceeding involving service-specific auction rules for paging services, several commenters requested that the Commission establish rules that do not have a chilling effect on ongoing business acquisitions and transactions. Under the current rules, they contended, discussions between bidders for the same license area regarding a business merger or acquisition may be construed as discussions of bidding or bidding strategy—thus violating the anti-collusion rules. They proposed that the Commission grant a ''safe harbor'' for certain situations, such as in services where there are incumbent operators, permitting ongoing discussions among bidders concerning mergers, acquisitions or intercarrier arrangements to proceed during the period in which the anti-collusion rules are applicable. Some suggested a system in which respective bidder personnel certify that persons involved in such discussions are not discussing bidding strategy or otherwise divulging bidder information to each other in violation of the anti-collusion rules. Absent a showing that a certification is false, necessary discussions in the ordinary course of business would be permitted during the course of the auction. The Commission seeks comment on this proposal concerning a safe harbor for discussions of certain non-auction business matters and it seeks comment on any other changes to the rules prohibiting collusion they believe are warranted. Finally, it seeks comment on the public notices and letters issued by Commission staff seeking to interpret and clarify these rules.

74. In 1989, the Commission adopted rules permitting certain license applicants, under prescribed conditions, to construct their facilities prior to license grant. It subsequently determined that part 22 and part 90 commercial mobile radio service applicants should be subject to the same rules governing the construction of facilities prior to the grant of pending applications. The Commission later clarified that such rules would extend to successful broadband PCS bidders that had filed a long-form application. Thus, 35 days after the date of the Public Notice announcing the broadband PCS A and B Block Form 600 applications accepted for filing, the parties has filed those applications were permitted, at their own risk, to commence construction of facilities, provided that (1) no petitions to deny the application had been filed; (2) the application did not contain a request for a rule waiver; (3) the applicant complied fully with the antenna structure provisions of §§ 24.416 and 24.816 of the Commission's rules, including FAA notification, and Commission filing requirements; (4) the application indicated that the facilities would not have a significant environmental effect (*see* 47 CFR 24.413(f) and 24.813(f)); and (5) international coordination of the facilities was not required.

75. The Commission proposes to extend the pre-grant construction rules set forth in 47 CFR 22.143 to all auction winners, regardless of whether petitions to deny have been filed against their long-form applications. It further proposes to permit each auction winner to begin construction of its system, at its own risk, upon release of a Public Notice announcing the acceptance for filing of post-auction long-form applications. The Commission tentatively concludes that to do so would further the public interest by expediting, in most cases, the initiation of service to the public. It believes that allowing pre-grant construction furthers the statutory objective expressed in the Communications Act in section 309(j)(3)(A) of the rapid deployment of new technologies, products, and services for the benefit of the public. Pre-grant construction would be subject to any service-related restrictions, including but not limited to antenna restrictions, environmental requirements, and international restrictions. Finally, the Commission emphasizes that any applicant engaging in pre-grant construction activity would do so entirely at its own risk, and the Commission would not take such activity into account in ruling on any petition to deny although it acknowledges that this could result in significant economic loss to applicants. The Commission seeks comment on this proposal.

Procedural Matters and Ordering Clauses

76. The Initial Regulatory Flexibility Analysis (IRFA), as required by section 604 of the Regulatory Flexibility Act, is set forth in Appendix C of the *NPRM*. Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981). Written public comments are request on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *NPRM*, but they must have a separate and distinct heading designating them as responses to the IRFA. The Secretary shall send a copy of this NPRM, including the IRFA, to the Chief counsel for Advocacy of the Small Business Administration in accordance with the paragraph 603(a) of the Regulatory Flexibility Act.

77. *Ex Parte Presentations.* This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Commission rules. *See generally* 47 CFR 1.1202, 1.1203, and 1.1206(a).

78. *Authority*. This action is taken pursuant to sections 4(i), 5(b), 5(c)(1), 303(r), and 309 (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155(b), 156(c)(1), 303(r), and 309(j).

79. *Comment.* This *NPRM* contains either new or modified information collections. The Federal Communications Commission, 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 revised information collection, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. In addition to filing comments on the new or modified collection with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via the Internet to dconway@fcc.gov.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–7233 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 97–93, RM–9013]

Radio Broadcasting Services; Hardinsburg, IN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Keith L. Reising seeking the allotment of FM Channel 245A to Hardinsburg, Indiana, as that community's first local aural transmission service. Coordinates used for Channel 245A at Hardinsburg are 38–30–42 and 86–22–22.

DATES: Comments must be filed on or before May 5, 1997, and reply comments on or before May 20, 1997.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties must serve the petitioner, as follows: Keith L. Reising, 1680 Hwy 62 NE, Corydon, IN 47112.

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. 97–93, adopted March 5, 1997, and released March 14, 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 l980 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. 97–7253 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 97–92, RM–9032]

Radio Broadcasting Services; Mukwonago, WI

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Faith Congregation proposing the allotment of Channel 287A to Mukwonago, Wisconsin, as that community's first local broadcast service. There is a site restriction 11.8 kilometers (7.3 miles) west of the community at coordinates 42–54–15 and 88–27–55.

DATES: Comments must be filed on or before May 5, 1997, and reply comments on or before May 20, 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. 97–92, adopted March 5, 1997, and released March 14, 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 l980 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. 97–7252 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 95–93, Notice 4]

Federal Motor Vehicle Safety Standards; Accelerator Control Systems

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

ACTION: Notice of change in date of technical workshop.

SUMMARY: On March 7, 1997, NHTSA published a notice announcing a technical workshop on the accelerator control system safety standard. In this document, NHTSA changes the date of the workshop to May 20, 1997.

DATES:

Statement of intent to participate in technical workshop: Those persons wishing to provide oral comments at the workshop should contact Mr. Patrick Boyd (at the address given below) no later than May 19, 1997.

Technical workshop: The workshop will be held on May 20, 1997, beginning at 10:00 a.m.

Written comments: Written comments on the subject matter of the workshop are due June 20, 1997.

ADDRESSES:

Technical workshop: The workshop will be held in Room 2201 at the U.S. Department of Transportation building, 400 Seventh Street, S.W., Washington, D.C. Should building maintenance make Room 2201 unavailable, the workshop will be held in Room 3200.

Written comments: Written comments concerning the subject matter of the technical workshop should refer to the docket number and notice number cited at the beginning of this notice, and be submitted to: Docket Section, Room 5109, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are from 9:30 a.m. to 4 p.m.) It is requested, but not required, that 10 copies of the comment be provided.

FOR FURTHER INFORMATION CONTACT:

For technical issues: Mr. Patrick Boyd, Office of Crash Avoidance Standards, NPS–21, telephone (202) 366–6346.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC–20, (202) 366–2992.

Both may be reached at the National Highway Traffic Safety Administration, 400 Seventh Street, SW, Room 5320, Washington, DC 20590. Written comments should not be sent to these persons, but should be mailed to the Docket Section.

SUPPLEMENTARY INFORMATION:

In a **Federal Register** document of March 7, 1997 (62 FR 10514), NHTSA announced a public workshop to be held on March 24, 1997, to discuss electronic accelerator control technology and potential methods of assuring its fail-safe performance. On May 13, the American Automobile Manufacturers Association (AAMA) asked NHTSA to postpone the workshop for sixty days. AAMA asked for the additional time because the proposed date of March 24 ''does not allow manufacturers adequate time to prepare for the workshop and provide meaningful input.'' NHTSA also received several oral requests for more time by interested parties.

NHTSA is interested in receiving well-informed and well-reasoned views from the participants in its technical workshop and believes that more preparation time will enhance the quality of participation. Therefore, it grants AAMA's request for more time. The new date of the technical workshop is May 20, 1997. The workshop's location is announced in the **ADDRESSES** section at the beginning of this document. The workshop will begin at 10 a.m.

As stated in its March 7, 1997 document, NHTSA wishes workshop participants to discuss:

(1) The principles of operation of existing and potential electronic accelerator control systems for gasoline and diesel engines;

(2) The principles of operation of existing and potential means of providing fail-safe performance in the event of loss of accelerator control by the primary system; and

(3) Suggestions for regulatory requirements that will assure the fail-safe performance of electronic accelerator control systems.

Issued on: March 17, 1997.

John G. Womack,

Acting Chief Counsel.

[FR Doc. 97–7171 Filed 3–18–97; 10:10 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970311053–7053–01; I.D. 020397B]

RIN 0648–AJ23

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 9

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 9 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery (FMP). Amendment 9 would require a sablefish endorsement on limited entry permits for permit holders to participate in the regular limited entry fixed gear sablefish fishery north of 36°N. lat. (the U.S.-Vancouver, Columbia, Eureka, and Monterey management areas). The intended effect of this proposed sablefish endorsement is to promote safety, stability, and economic viability of the sablefish fishery by limiting or reducing harvesting capacity in the Pacific Coast sablefish fishery. This rule also would eliminate limited entry permit ''B'' endorsement language that expired January 1, 1997. Elimination of ''B'' endorsement language is a routine update of the Pacific Coast groundfish regulations.

DATES: Comments on the proposed rule must be received on or before May 5, 1997.

ADDRESSES: Comments on the proposed rule, Amendment 9, or supporting documents should be sent to Mr. William Stelle, Administrator, Northwest Region, NMFS, Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or to Mr. William Hogarth, Acting Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

Copies of Amendment 9, the Environmental Assessment (EA) and the

Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Ave., Suite 224, Portland, OR 97201.

Comments on the information collection requirements that would be imposed by this rule should be sent to Mr. William Stelle or to Mr. William Hogarth, at the addresses above, and to the Office of Information and Regulatory Affairs of the Office of Management and Budget, Washington DC, 20503.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, Rodney McInnis at 310–980–4040, or the Pacific Fishery Management Council at 503–326–6352.

SUPPLEMENTARY INFORMATION: NMFS is proposing this rule based on a recommendation of the Pacific Fishery Management Council (Council), under the authority of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The background and rationale for the Council's recommendations are summarized below. More detail appears in the EA/RIR/IRFA that the Council prepared for this action.

Background

Sablefish (*Anoplopoma fimbria*) is one of the most valuable species in the groundfish fishery off Washington, Oregon, and California (WOC). Since 1987, the annual sablefish non-tribal harvest guideline has been allocated between trawl gear and fixed gear fisheries. Historically, the trawl fishery has been managed with trip or period landings limits, which means the amount of fish that may be harvested during a fishing trip or during a set time period. Trip or period landings limits are mainly imposed to extend the fishery throughout most of the year. By contrast, the limited entry, fixed gear fishery has taken most of its allocation in an intense, open competition called the ''regular'' or ''derby'' season, which had no trip limits, except for limits on small sablefish less than 22 inches (56 cm) in length. For 72 hours before the regular season, it is illegal to take and retain, possess, or land sablefish caught with fixed gear, although vessels using pot gear may begin to set their gear 24 hours in advance of the start of the regular season. In recent years, the nontrawl fleet has operated under restrictive limits (250–500 lb (113–227 kg) per day) outside of the regular season. The limited entry nontrawl fishery for sablefish involves two operationally distinct gear types, pot (or trap) and longline, that compete for the nontrawl harvest allocation.

Problems commonly attributed to the current derby fishery relate to safety, inefficiency, resource wastage, and social conflict. There are two main problems with the derby: (1) Excess harvesting capacity in the fishery; and (2) difficulty controlling total harvest. These problems will intensify if the derby is allowed to continue, particularly if the length of the derby shortens each year.

The Council's first concern with the current limited entry, nontrawl sablefish season management is that, if this fishery is allowed to continue as a derby, the season will become even shorter and the danger of fishing in the derby will rise. Before 1990, the fixed gear sablefish fishery began on January 1 and usually lasted for the greater part of the year. However, fishing effort increased and quotas were reduced during the late 1980s and early 1990s, resulting in the recent, short ''derby'' seasons. In 1995 and 1996, the derby seasons were 7 and 5 days long, respectively. Seasons shorten from year to year because each vessel owner has an incentive to invest in new and better gear each year, hoping to increase the amount of fish he or she can catch per hour or per day. With seasons measured in numbers of days, the derby is not just dangerous because it gives fishers strong incentives to stay out during bad weather but also because they work at sea with heavy machinery, with little or no sleep throughout the derby. Promoting the safety of human life at sea is an important new national standard (National Standard 10) in the Magnuson-Stevens Act.

Beyond the very serious safety concerns with the derby fishery, there are also economic and conservation problems with the current management regime. Just as fishers cannot choose to fish during the best weather, they also cannot choose to fish during periods of highest sablefish market value. Fish caught under derby conditions often can not be handled or processed into the highest value sablefish products. In a derby for high-value fish like sablefish, lower-value bycatch may be thrown overboard, dead and unused. Magnuson-Stevens Act National Standard 9 supports efforts to minimize bycatch and bycatch mortality. With shortening derby seasons, fishers may also be more likely to abandon their gear at sea, leaving that gear to continue to ''ghost fish'' after the derby has ended. Finally, as the length of the derby decreases, it becomes more difficult for managers to accurately choose a closing date that will prevent the harvest from exceeding the allowable catch.

When the limited entry system was first designed by the Council, that system was considered a first step in a long-term process to reduce effort levels in the groundfish fishery. Fishers had used landings of a wide range of species to qualify for limited entry permits, which meant that the limited entry program had limited overall effort in the groundfish fishery, but had not necessarily constrained effort levels in single-species fisheries. The number of vessels participating in the limited entry, fixed gear sablefish fishery has grown in recent years, corresponding with rising sablefish prices and decreasing availability of other fixed gear target stocks. Sablefish endorsements will control some of this effort increase by limiting sablefish fishery participation to those persons who have historically participated in and depended upon the sablefish fishery.

Sablefish Endorsement

The Council has recommended to the Secretary that NMFS require a sablefish endorsement on limited entry permits to limit the number of participants in the regular, limited entry, nontrawl sablefish fishery. The Council recommended the following sablefish endorsement qualifying criteria: at least 16,000 lb (7,257.5 kg) of sablefish catch from the sablefish fishery, in any one calendar year from 1984 through 1994.

Choosing appropriate qualifying criteria required careful Council consideration of lessons learned about initial limited entry permit distribution, historic characteristics of the fleet, and the dependence of current permit holders on the sablefish derby. The qualifying criteria is a compromise that recognizes historical participation by including the early years of the license limitation qualifying period, that acknowledges more recent participants in the sablefish derby by including 2 years after the Council adoption of the limited entry program, and that grants permit endorsements only to those persons who landed quantities of sablefish large enough to constitute a significant portion of their incomes. Maintaining a qualifying requirement that includes years from the mid and late 1980s prevents the disenfranchisement of vessels that were forced to choose between Alaska and West Coast fisheries during the recent years in which the Council set the West Coast opening to coincide with the Alaska opening. Households with sablefish fishery incomes less than that represented by the 16,000–lb (7,257.5–

kg) qualifying requirement are more likely to have greater reliance on other sources of fishing or nonfishing income than those who meet the 16,000–lb (7,257.5–kg) requirement.

Vessels that do not qualify for an endorsement because of failure to meet the 16,000 lb (7,257.5–kg) landing requirement may continue to harvest small amounts of sablefish in the limited entry daily trip limit fishery when the regular season is not open. For example, vessels making two trips per week over a 6-month period could land close to 16,000 lb (7,257.5 kg), and thereby suffer no reduction in gross revenue. However, while some vessels are able to generate net positive revenues from the daily trip limit fishery, larger vessels located at greater distances from the fishing grounds may not find the daily trip limit fishery profitable. The daily trip limit opportunity may also conflict with other fishing opportunities for some vessels.

Only persons holding current limited entry permits may qualify for a sablefish endorsement. Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued by vessel(s) associated with the limited entry permit or permit rights. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring after it was combined, but taken within the qualifying period. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if (1) the appeal for which an interim permit was issued was lost by the appellant, and (2) the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full ''A'' permit was ultimately granted will also be considered part of the catch history of the ''A'' permit. Only sablefish catch regulated by this part that was taken with longline or fishpot (or trap) gear will be considered for this endorsement. Harvest taken in tribal sablefish set asides will not be included in calculating permit catch histories.

A sablefish endorsement would be required for a fixed-gear, limited entry vessel to take sablefish in the area north of 36° N. lat. (the Monterey, Eureka, Columbia and U.S.-Vancouver management areas) during the regular, limited entry, nontrawl sablefish fishery, as specified in the regulations; this harvest would count against the limited entry fixed gear allocation for the area north of 36° N. lat. Catch taken in the southern area counts against a southern area (Conception Area) acceptable biological catch (ABC). However, because the annual ABC has never been reached by vessels operating in the southern area, there is no established harvest guideline and no allocation between-gear types for this area. Fishers from the southern area have not historically focused on sablefish, and limited entry qualifications from that area were largely made with groundfish other than sablefish. Because of the under-exploitation of the available harvest, and the relatively recent development of catch history by some vessels in the southern area, the Council chose to exempt vessels fishing in the area from being required to hold a sablefish endorsement to participate in the limited entry fixed gear sablefish fishery. Implementing sablefish endorsements for the entire coast would have had a disproportionate impact on the southern area, primarily because fishers who have only recently begun to target sablefish in that area would have been eliminated from the regular limited entry season. It is expected that the Council will manage the fishing in the Conception Area differently from the northern fishery in order to avoid effort shifts.

Under the proposed sablefish endorsement system, if permits are combined to generate a single permit with a larger length endorsement, the resulting permit will receive a sablefish endorsement only if each of the combined permits has an individual sablefish endorsement. This requirement would be consistent with the current combination requirements for limited entry permit gear endorsements. Also, if the fishery continues to be managed as a derby fishery, future combination of non-endorsed permits with endorsed permits would allow more capacity into the sablefish fishery and thereby exacerbate the pressures of the derby.

The sablefish endorsement would be required for fixed gear, limited entry vessels to take sablefish against the limited entry allocation in the area north of 36° N. lat. during periods of time specified in the regulations (to be recommended by the Council). The general intent is that an endorsement be required to take part in the major limited entry, fixed gear sablefish harvest opportunities, but no endorsement be required when management measures are intended to allow only small or incidental sablefish harvests.

Under the proposed management system, limited entry permit holders with sablefish endorsements could participate in the regular, limited entry, nontrawl sablefish fishery, under the limited entry regulations. Outside of the regular season, they would be allowed to catch sablefish with their endorsed gear under the small daily trip limits, under the limited entry regulations. Limited entry permit holders with sablefish endorsements could also catch sablefish with open access gear other than their endorsed gear, under the regulations of the open access fishery. Limited entry permit holders who do not have sablefish endorsements would still be allowed to fish for sablefish outside the regular, limited entry, nontrawl sablefish season by either using their endorsed gear and fishing under the limited entry regulations, or by using open access gear and fishing under open access regulations. Limited entry permit holders who do not have sablefish endorsements would not be allowed to fish for sablefish with either limited entry or open access gear during the regular, limited entry, non-trawl sablefish season.

Biological Impacts

Marine biological background and biological impacts of the sablefish fishery are analyzed in ''Status of the Pacific Coast Groundfish Fishery Through 1996 and Recommended Acceptable Biological Catches for 1997: Stock Assessment and Fishery Evaluation'' (SAFE Document), and in the Environmental Assessment for Amendment 9 to the Pacific Coast Groundfish FMP. These documents may be obtained from the Pacific Fishery Management Council (See **ADDRESSES** above).

NMFS expects that the biological impacts of requiring a sablefish endorsement would be negligible. The sablefish ABC and harvest guideline would not be affected by this action. The biological impacts from altering the number of vessels participating in the fishery would not be significant.

Socio-Economic Impacts

Most limited entry fixed gear fishers from central and southern California qualified for their initial limited entry permits with landings of groundfish species other than sablefish. Consequently the proposed sablefish

endorsement qualifying requirements, which are based on significant historic or recent economic dependence on sablefish, would result in greater proportional reductions to the number of southern area vessels qualified to participate in the regular fixed gear sablefish fishery. However, as explained above, vessels landing sablefish from waters south of 36° N. lat. (southern California) would not be required to hold sablefish endorsements, and the fishing in that area would be managed differently from the northern area. Conversely, if the historical landing requirements had included more recent years and had eliminated early years, this would result in more endorsements being issued in southern areas at the expense of vessels that have not participated in several recent years.

The number of longline vessels participating in the limited entry nontrawl regular sablefish fishery would decrease under the proposed qualifying criteria. The percent of longline vessels participating in the fishery from Puget Sound and the Washington coast would increase from 34 to 46 percent, while the percent of participants from central and southern California combined would decline from 28 percent to only 13 percent of the longline fleet. However vessels would be exempt from the sablefish endorsement requirement, if they are fishing south of 36° N. lat.

All pot permits would qualify for an endorsement under the proposed qualifying requirements. A review of the distribution of the pot fleet shows that 75 percent of the pot vessels were distributed in the Oregon and northern California areas (Astoria to Crescent City), 9 percent were located primarily in the central California area (Monterey to Avila Beach), 6 percent along coastal Washington, with the remainder not assigned to a geographic area because of lack of recent landings.

Most vessels are multifishery vessels. Based on 1995 landings and revenue, vessels with permits that do not qualify for a sablefish endorsement would need make up about $750,000 of lost sablefish revenue in other fisheries. Because most vessels are underemployed, it is unlikely that the vessels gaining additional sablefish fishing opportunity from the displaced vessels would release similar amounts of opportunity in other fisheries, which would then be available for the vessels displaced from the limited entry nontrawl regular sablefish fishery. Vessels with more reliance on sablefish will have a chance for a safer, more stable fishery, and those with less reliance will lose sablefish fishing opportunity.

Sablefish Endorsement Issuance

Sablefish endorsements would be issued by NMFS, prior to the start of the regular 1997 limited entry fixed gear sablefish season. NMFS would use landings records from the Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) to determine which limited entry fixed gear permit holders meet the qualifications of 16,000 lb (7,257.5 kg) of catch in any one year from 1984 through 1994.

The Fishery Management Division, NMFS Northwest Region, would notify each limited entry fixed gear permit owner by letter whether PacFIN records indicate that his permit qualifies for a sablefish endorsement. Persons who do qualify for sablefish endorsements would be issued revised limited entry permits with endorsements, upon payment of a one-time fee to cover the administrative cost of PacFIN research and limited entry permit processing. Initial calculations of the agency cost of processing the sablefish endorsement system place the per-participant processing fee at about $800.

Persons who are initially denied sablefish endorsements, but who believe that their permit or interim permit qualifies for an endorsement, may send supporting documentation, such as fish tickets, to demonstrate how the qualifying criteria have been met. An endorsement would be issued if the permit owner demonstrates that his permit met the qualifying criteria. Unlike the initial limited entry permitting process, there will be no industry appeal board to review appeals of endorsement denials.

Limited Entry Permit ''B'' Endorsements

The Pacific Groundfish limited entry program went into effect January 1, 1994. Because this program was a radical change from the previous fishery, which was entirely open access, the Council designed a temporary alternative to the primary ''A'' permit endorsement, to assist fishers with a historically low level of participation who did not qualify for an ''A'' permit. These temporary permits were to be phased out of the fishery over time.

''B'' endorsements were initially intended to allow owners of vessels that may have participated in the fishery at a low level during the window period, or at higher levels prior to the window period, to continue in the fishery for an adjustment period before they would be required to have a permit with an ''A'' endorsement. The ''B'' endorsements were developed so that there would be at least 7 years between the announcement of the cutoff date to qualify for an ''A'' endorsement and the expiration of the endorsements. All ''B'' endorsements expired at the end of 1996. Seven years was reported as the minimum tax depreciation period for fishing vessels, and the period commonly chosen by vessel owners. Thus, the adjustment years ensured that a large number of the vessel owners receiving ''B'' endorsements had the opportunity to completely depreciate their vessels before making their adjustments to other fisheries, or investing in permits with ''A'' endorsements.

This proposed rule would eliminate the current regulations that relate to ''B'' endorsements at 50 CFR 660.336. As of December 31, 1996, these regulations had no relevance.

Classification

At this time, NMFS has not determined that the FMP amendment that this rule would implement is consistent with the national standards of the Magnuson-Stevens Act and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

Notwithstanding any other provision of law, no person is required to respond to, nor shall a person be subject to, penalty for failure to, comply with a collection-of-information subject to the requirements of the Paperwork Reduction Act (PRA) unless the collection-of-information displays a currently valid Office of Management and Budget (OMB) control number. This proposed rule contains a collection of information burden only for those persons who are initially denied sablefish endorsements, but who wish to provide documentation to prove that they have in fact met the endorsement qualifications. It is expected that the burden will be 2 hours to make an appeal. NMFS has requested OMB approval for this collection of information. This is a one-time only collection of information, and contains no annual reporting and recordkeeping burden. Public comment is sought regarding: Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information,

including through the use of automated collection techniques or other forms of information technology. Comments on the collection of information burden or any other aspect of the information collection may be sent to OMB, listed in the ADDRESSES section above.

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 (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as follows:

The proposed rule would limit participation in the limited entry fixed gear ''primary'' or ''regular'' sablefish season north of 36° N. latitude to those persons meeting the following qualifications for a sablefish endorsement to their limited entry permits: at least 16,000 pounds of sablefish catch in any one year from 1984 to 1994.

Of the 237 vessel owners that currently hold fixed gear limited entry permits, 62 (26 percent) will not receive sablefish endorsements, which is a substantial number of small entities as a portion of the limited entry, fixed gear sablefish fleet. However, only 23 vessel owners (less than 10 percent) that derived more than 5 percent of their 1995 income from the sablefish fishery will not receive sablefish endorsements; thus the number of small entities that will incur a significant impact from these regulations is not substantial. Sablefish endorsement recipients will be assessed a one-time endorsement processing fee that has been initially estimated at $800. Costs of production and compliance costs would only increase for those permit holders who choose to purchase new permits with attached sablefish endorsements—an unlikely course of action for those persons with less than 5 percent of their gross annual revenues resulting from the sablefish fishery. There are no capital costs associated with this action, and no small businesses will be forced to cease operations through this proposed action.

This amendment is intended to promote improved safety, stability, and economic viability of the sablefish fishery by limiting or reducing harvesting capacity in the Pacific Coast sablefish fishery.

The socio-economic impacts are discussed above and contained in the EA/RIR/IRFA.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 19, 1997.

Charles Karnella,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR 660 is proposed to be amended as follows:

PART 660—FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

1. The authority citation for part 660 continues to read as follows:

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

2. In § 660.306, new paragraphs (s) and (t) are added to read as follows:

§ 660.306 Prohibitions.

* * * * *

(s) During the ''regular'' or ''mop-up'' season described in § 660.323(a)(2)(iii) and (iv), take and retain, possess or land sablefish taken and retained north of 36° N. lat., with longline or trap (or pot) gear, by a vessel with a limited entry permit registered for use with that vessel and endorsed for longline or trap (or pot) gear, that does not have a sablefish endorsement.

(t) During the ''regular'' or ''mop-up'' season described in § 660.323(a)(2)(iii) and (iv), take and retain, possess or land sablefish taken and retained north of 36° N. lat., with open access gear, by a vessel with a limited entry permit registered for use with that vessel and endorsed for longline or trap (or pot) gear, that does not have a sablefish endorsement.

3. In § 660.323, paragraph (a)(2) introductory text is revised and paragraphs (a)(2)(i) through (a)(2)(v) are redesignated as (a)(2)(ii) through (a)(2)(vi) respectively and paragraph (a)(2)(i) is added to read as follows:

§ 660.323 Catch Restrictions.

(a) * * *

(2) *Nontrawl Sablefish*. This paragraph (a)(2) applies to the regular and mop-up season for the nontrawl limited entry sablefish fishery, except for paragraphs (a)(2)(i) and (vi) of this section, which also apply to the open-access fishery.

(i) *Sablefish endorsement*. In order to lawfully participate in the regular season or mop-up season for the nontrawl limited entry fishery, the owner of a vessel must hold (by ownership or otherwise) a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement.

* * * * *

4. In § 660.333, paragraphs (a), the first sentence of (c)(1), (d), and (h)(2)(iii) are revised to read as follows:

§ 660.333 Limited entry fishery - general.

(a) *General*. Participation in the limited entry fishery requires that the owner of a vessel hold (by ownership or otherwise) a limited entry permit affixed with a gear endorsement registered for use with that vessel for the gear being fished. A sablefish endorsement is also required for a vessel to participate in the regular and/or mop-up seasons for the nontrawl, limited entry sablefish fishery, north of 36° N. lat. There are three types of gear endorsements: ''A,'' ''Provisional A,'' and ''Designated species B.'' More than one type of gear endorsement may be affixed to a limited entry permit. While the limited entry fishery is open, vessels fishing under limited entry permits may also fish with open access gear; except that during a period when the limited entry fixed gear sablefish fishery is limited to those vessels with sablefish endorsements, a longline or pot (or trap) limited entry permit holder without a sablefish endorsement may not fish for sablefish with open access gear.

* * * * *

(c) *Transfer and registration of limited entry permits and gear endorsements*.

(1) Upon transfer of a limited entry permit, the FMD will reissue the permit in the name of the new permit holder with such gear and, if applicable, species endorsements as are eligible for transfer with the permit. * * *

* * * * *

(d) *Evidence and burden of proof*. A vessel owner (or person holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, transfer, or registration of a limited entry permit has the burden to submit evidence that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a sablefish endorsement under § 660.336(c)(2) has the burden to submit evidence to prove that qualification requirements for a sablefish endorsement are met. The following evidentiary standards apply:

* * * * *

(h) * * *

(2) * * *

(iii) Two or more limited entry permits with ''A'' gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement. With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit.

* * * * *

5. In § 660.334, paragraph (a) is revised to read as follows:

§ 660.334 Limited entry permits—''A'' endorsement.

(a) A limited entry permit with an ''A'' endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements.

* * * * *

6. In § 660.335, paragraph (a) is revised to read as follows:

§ 660.335 Limited entry permits—'' Provisional A'' endorsement.

(a) A ''provisional A'' endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a fixed gear sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements.

* * * * *

7. § 660.336 is revised to read as follows:

§ 660.336 Limited entry permits—sablefish endorsement.

(a) *General.* Participation in the limited entry fixed gear sablefish fishery during the ''regular'' or ''mop-up'' season described in § 660.323 (a)(2)(iii) and (iv) north of 36° N. lat., requires that an owner of a vessel hold (by ownership or otherwise) a limited entry permit with a longline or trap (or pot) endorsement and a sablefish endorsement, and that the permit has been registered for use with that vessel. During a period when the limited entry sablefish fishery is restricted to those limited entry vessels with sablefish endorsements, a vessel with a longline or pot limited entry permit but without a sablefish endorsement cannot be used to harvest sablefish in the open access fishery, even with open access gear.

(1) A sablefish endorsement will be affixed to the permit and will remain valid when the permit is transferred.

(2) A sablefish endorsement is not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit.

(b) *Endorsement qualifying criteria.* A sablefish endorsement will be affixed to any limited entry permit that meets the sablefish endorsement qualifying criteria.

(1) Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued when the limited entry permit or permit rights were associated with other vessels. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring after it was combined, but taken within the qualifying period. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if the appeal for which an interim permit was issued was lost by the appellant, and the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full ''A'' permit was ultimately granted will also be considered part of the catch history of the ''A'' permit. Only sablefish catch regulated by this part that was taken with longline or fish trap (or pot) gear will be considered for this endorsement.

(2) The sablefish endorsement qualifying criteria are: at least 16,000 lb (7,257.5 kg) round weight of sablefish caught with longline or trap (or pot) gear in one calendar year from 1984 through 1994. All catch must be sablefish managed under this part. Sablefish taken in tribal set aside fisheries does not qualify.

(c) *Issuance process.* (1) The FMD will notify each limited entry, fixed gear permit owner by letter whether Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) records indicate that his permit qualifies for a sablefish endorsement. A person whose permit qualifies based on PacFIN information will be issued a revised limited entry permit with a sablefish endorsement, upon payment of a one-time processing fee.

(2) Within 30 days of the issuance of the letter by the FMD indicating that PacFIN records do not show that the permit qualifies for a sablefish endorsement, a permit owner may submit information to the FMD to demonstrate that the permit qualifies for a sablefish endorsement. Section 660.333(d) sets out the relevant evidentiary standards and burden of proof.

(3) After review of the evidence submitted under § 660.336(c)(2), and any additional information the FMD finds to be relevant, the FMD will notify a permit owner if the permit qualifies for a sablefish endorsement. A person whose permit qualifies will be issued a revised limited entry permit with a sablefish endorsement upon payment of a processing fee.

(4) After review of the evidence submitted under § 660.336(c)(2), and any additional information the FMD finds to be relevant, the FMD will notify a permit owner in writing if his permit does not qualify for a sablefish endorsement.

(5) Within 30 days of the issuance of a letter under § 660.336(c)(4) that a permit(or interim permit) does not qualify for a sablefish endorsement, an appeal may be filed with the Regional Administrator. The appeal must be in writing and must allege facts or circumstances, and include credible evidence, demonstrating why the permit (or interim permit) qualifies for the sablefish endorsement. The appeal of a denial of a sablefish endorsement will not be referred to the Council for a recommendation under § 660.340(e).

(6) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision.

[FR Doc. 97–7363 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 62, No. 55

Friday, March 21, 1997

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.

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation, IDCA.

ACTION: Request for comments

SUMMARY: At OPIC's request, the Office of Management and Budget (OMB) is reviewing this information collection for emergency processing for 90 days. Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received within 60 calendar days of this Notice.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: *OPIC Agency Submitting Officer:* Lena Paulsen, Manager, Information Center, Overseas Private Investment Corporation, 1100 New York Avenue, N.W., Washington, D.C. 20527; 202/336–8565.

SUMMARY OF FORM UNDER REVIEW:

Type of Request: New form.
Title: Small Business Application for Financing.
Form Number: OPIC 220.
Frequency of Use: Once per investor per project.
Type of Respondents: Business or other institutions (except farms); individuals.
Standard Industrial Classification Codes: All.
Description of Affected Public: U.S. companies or citizens investing overseas.
Reporting Hours: 3 hours per project.
Number of Responses: 100 per year.
Federal Cost: $3,000.00 per year.
Authority for Information Collection: Sections 231 and 234 (b) and (c) of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The application is sent to U.S. companies requesting information concerning OPIC's finance program. The information provided by these companies is reviewed by OPIC finance officers to determine the soundness of the proposed project and the applicants qualification for receiving OPIC financial assistance.

March 17, 1997.

James R Offutt,

Assistant General Counsel, Department of Legal Affairs.

[FR Doc. 97–7144 Filed 3–20–97; 8:45 am]

BILLING CODE 3210–01–M

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

Farm Service Agency

Availability of Draft Environmental Assessment (EA) Regarding Spartina Control Cost-Share Program for Willapa Bay Estuary

AGENCY: Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: On March 21, 1997, the Farm Service Agency (FSA) and the Commodity Credit Corporation (CCC) will make available for public comment its Draft EA regarding its proposed Spartina Control Cost-Share Program. FSA and CCC have an interest in controlling Smooth Cordgrass (Spartina alterniflora) in the Willapa Bay Estuary of Washington State. The proposed Spartina control action focuses on the coordinated use of mechanical/physical and chemical treatment methods, also known as Integrated Pest Management (IPM), in an environmentally and economically sound manner. FSA and CCC welcome public comment from interested parties and will assess and consider all comments received.

DATE: Comments must be received on or before April 21, 1997to be assured consideration.

ADDRESS: To receive a copy of FSA and CCC's Spartina Control Cost-Share Program Environmental Assessment, or to send comments, mail requests or comments to U.S. Department of Agriculture, Conservation and Environmental Protection Division, ATTN.: Mike Linsenbigler, STOP 0513, P.O. Box 2415, Washington, DC 20250–2415. Copies may also be obtained in person at 1400 Independence Ave., SW., Room 4721, Washington, DC 20250–0513, between the hours of 9:00 a.m. and 3:00 p.m.

FOR FURTHER INFORMATION CONTACT: Mike Linsenbigler, 202–720–6303.

SUPPLEMENTARY INFORMATION: No administrative action will be taken on the Spartina control cost-share program until 30 days after the date of this publication in the **Federal Register**.

Authority: P.L. 104–127, Sec 334.

Signed at Washington, DC, on March 14, 1997.

Grant Buntrock,

Administrator, Farm Service Agency.

[FR Doc. 97–7141 Filed 3–20–97; 8:45 am]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 97–024N]

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Food and Drug Administration

[Docket No. 97N–0074]

ENVIRONMENTAL PROTECTION AGENCY

President's National Food Safety Initiative

AGENCY: Food Safety and Inspection Service, USDA; Centers for Disease Control and Prevention, HHS; Food and

Drug Administration, HHS; Environmental Protection Agency.

ACTION: Notice: Public meeting; establishment of public dockets.

SUMMARY: The United States Department of Agriculture's (USDA) Food Safety and Inspection Service (FSIS) and Research, Education, and Economics; The Department of Health and Human Services'' Food and Drug Administration (FDA) and Centers for Disease Control and Prevention (CDC); and the Environmental Protection Agency (EPA) will convene a meeting on March 31 to April 2, 1997, to discuss and develop for the President a comprehensive plan to reduce the annual incidence of foodborne illness by enhancing the safety of the nation's food supply. USDA and FDA are also establishing public dockets to receive comments about the President's Food Safety Initiative and the discussion draft and current thinking document made available on February 21, 1997.

DATES: The meeting will be held from 8:30 a.m. to 5:30 p.m. and 7:00 p.m. to 9:00 p.m. on March 31; 8:30 a.m. to 5:00 p.m. on April 1; and from 8:30 a.m. to 1:30 p.m. on April 2, 1997. Comments by April 4, 1997.

ADDRESSES: The meeting will be held at the Hyatt Regency Washington on Capitol Hill, 400 New Jersey Avenue, NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: To register for the meeting, contact Ms.Traci Phebus at (202) 501–7138, FAX (202) 501–7642, E-mail HACCP.Confer@USDA.GOV. Participants may reserve a 5-minute public comment period when they register. Space will be allocated on a first come, first served basis. Participants should also select the breakout sessions they plan to attend when they register. For questions about the meeting or to obtain copies of the draft report, ''Food Safety From Farm to Table: A New Strategy for the 21st Century, Discussion Draft and Current Thinking, A National Food Safety Initiative,'' contact Mr. Charles Danner, FSIS, at (202) 501–7136 or Ms. Karen Carson, FDA, at (202) 205–5140. Copies of the draft report also are available from the following: FSIS at http://www.usda.gov/fsis or FDA at http://vm.cfsan.fda.gov/list.html or CDC at http://cdc.gov/ncidod/food.htm. Participants who require a sign language interpreter or other special accommodations should contact Ms. Jennifer Callahan at (202) 501–7138 by March 24.

SUPPLEMENTARY INFORMATION: On January 25, 1997, the President directed the Secretaries of USDA and HHS and the Administrator of EPA to work with consumers, producers, industry, States, Tribes, universities, and the public to identify ways to further improve the safety of our food supply. The President requested that the plan focus on ''* * * further improvement of surveillance, inspection, research, risk assessment, education, and coordination among local, State, and Federal health authorities.''

On March 5, 1997, the first public meeting was held to discuss the initiative and the issues identified by food safety experts in the draft report. All attendees received a copy of the draft report and were encouraged to review the document and develop recommendations related to the seven topic areas: surveillance, risk assessment, research, inspection, education, and coordination, and strategic planning to be presented at the March 31 meeting.

The March 31 session will feature a general session with time allotted for public comment followed by concurrent breakout sessions: Bioscience Research and Coordination; and an evening session on Strategic Planning. On April 1, concurrent breakout sessions will be held in the morning on Improving Risk Assessment Tools and Improving Food Safety Education and in the afternoon on New Early Warning System for Foodborne Illness and Maximizing Inspection to Support HACCP. The April 2 session will include reports from each of the seven breakout sessions and public comment.

The agencies are also announcing the establishment of public dockets about the President's Food Safety Initiative and the discussion draft and current thinking docket made available on February 21, 1997 and are encouraging individuals to comment on the topics discussed at the March 5, 1997, meeting as well as those listed in this notice under Supplementary Information. The agencies are also urging individuals with comments on the seven topic areas of the draft report to submit these comments by March 28 to facilitate discussion in the breakout sessions. Submit written comments as follows: USDA/FSIS Hearing Clerk, Room 3806 South Building, Washington, DC 20250–3700 or Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Drive, Room 1–23, Rockville, MD 20857. Comments are to be identified with the docket number. For those comments directed to USDA use Docket No. 97–024N; for comments directed to FDA, use Docket No. 97N–0074.

Transcripts of the public meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Room 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page. The transcript of the public meeting and all submitted comments will be available for public examination at the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Done at Washington, DC, on March 17, 1997.

Thomas J. Billy,

Administrator, Food Safety and Inspection Service.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition, Food and Drug Administration.

Donald E. Shriber,

Associate Director/Washington, Centers for Disease Control and Prevention.

Dana Minerva,

Deputy Assistant Administrator for Water, Environmental Protection Agency.

[FR Doc. 97–7155 Filed 3–18–97; 9:53 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Brown Lake Hydrologic Restoration (CS–09); Calcasieu and Cameron Parishes, LA

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

Description of Action

The United States Department of Agriculture, Natural Resources Conservation Service, proposes to implement a hydrologic restoration plan on the Brown Lake wetlands in Cameron Parish, Louisiana. The project involves the installation of five corrugated aluminum culverts, each with a ten foot wide variable crest weir inlet section with a six inch wide vertical slot and a flap gate; a seven foot wide variable crest structure with flap gate; and two corrugated aluminum pipes with flap and screw gates; excavate and place approximately 93,000 cubic yards of earth fill to repair and maintain about 32,000 linear feet of boundary levee and plug abandoned oil field canals; and excavate and place approximately 18,300 cubic yards of earth fill to construct 25,000 linear feet of terraces.

Factors Considered in Determination

The Brown Lane Environmental Assessment was prepared in order to assess potential impacts of the project. In this document, no significant adverse impacts to important habitat, endangered species, recreation, or other resources were found. No known National Register of Historic Places properties are in the vicinity of the project area.

Impacts to any significant cultural resources in the area will be minimal, if any.

Public Involvement

Upon signature of the Finding of No Significant Impact (FONSI), a Notice of Availability will be sent to concerned federal, state, local, and other organizations and individuals known to have an interest in the proposed project. The proposed project has been coordinated with the U.S. Fish and Wildlife Service, National Marine Fisheries Service, Environmental Protection Agency—Region VI, U.S. Army Corps of Engineers—New Orleans District, Advisory Council on Historic Preservation, Governor's Executive Assistant for Coastal Activities, Louisiana Department of Natural Resources—Coastal Restoration Division, Louisiana Department of Natural Resources—Coastal Management Division, Louisiana Department of Wildlife and Fisheries, Louisiana Department of Environmental Quality, and Louisiana State Historic Preservation Officer.

Conclusion

This office has assessed the environmental impacts of the proposed work and has determined that the project will have no significant adverse impacts upon the human environment. Therefore, no Environmental Impact Statement (EIS) will be prepared.

Dated: March 6, 1997.

Donald W. Gohmert.

[FR Doc. 97–7154 Filed 3–20–97; 8:45 am]

BILLING CODE 3410–16–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

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 proposal(s) to add to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 21, 1997.

ADDRESS: 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 commodity and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Helmet Assembly, Combat Vehicle Crewman
8470–00-NIB–0003
(Requirements for the U.S. Army Soldiers Systems Command, Natick, Massachusetts)
NPA: Washington-Greene County Branch, PAB Washington, Pennsylvania

Service

Food Service
Goodfellow Air Force Base, Texas
NPA: MHMR Services for the Concho Valley San, Angelo, Texas
Grounds Maintenance
Recreation Areas
Hickam Air Force Base, Hawaii
NPA: Makaala Inc., Honolulu, Hawaii

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–7195 Filed 3–20–97; 8:45 am]

BILLING CODE 6353–01–P

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: April 21, 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 13, 1996 and February 7, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (61 FR 65520 and 62 FR 5797) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Duplicating/Distribution Computer Output Microfilm
Social Security Administration
Office of Acquisition and Grants
Baltimore, Maryland

Grounds Maintenance
Wheeler Army Airfield, Hawaii and Outlying Air Force Installations

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. 97–7196 Filed 3–20–97; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Bureau of the Census

Service Annual Survey

ACTION: Proposed collection; comment requested

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 20, 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) and instructions should be directed to Ruth A. Bramblett, Bureau of the Census, Room 2775-FOB 3, Washington, DC 20233–6500, (301) 457–2766.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Service Annual Survey (SAS) provides dollar volume estimates of the total output of personal, business, amusement, social, health, and other professional services in the United States. The Bureau of Economic Analysis (BEA), the primary Federal user, uses the information in developing the national income and product accounts, compiling benchmark and annual input-output tables, and computing gross domestic product by industry. The Bureau of Labor Statistics (BLS) uses the data as input to its Producer Price Indexes and in developing productivity measurements. Other government agencies such as the Health Care Financing Administration (HCFA) use the data for program, planning, and development. The Census Bureau uses these data to provide new insight into changing structural and cost conditions that will directly impact the planning and design of future economic census questionnaires. Private industry uses the data in planning and as a tool for marketing analysis. Data are collected from all of the largest firms and from a sample of small- and medium-sized businesses, selected using a stratified random sampling procedure. The SAS sample is reselected periodically, generally at 5-year intervals. The largest firms continue to be canvassed when the sample is re-drawn, while nearly all of the small- and medium-sized firms from the old sample are replaced. The 1996 SAS introduced a new sample based on 1992 census results and expanded the annual coverage to include Standard Industrial Classification 8299, Schools and Educational Services. The number of firms surveyed and the amount of burden hours increases as a result of the implementation of the new sample and expanded coverage.

II. Method of Collection

We will collect this information by mail.

III. Data

OMB Number: 0607–0422

Form Number: B–500T, B–500T1, B–500T2, B–500T3, B–500T4, B–500T5, B–500T6, B–500M, B–500M1, B–500M2, B–500M3.

Type of Review: Regular Submission.

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

Estimated Number of Respondents: 33,000.

Estimated Time Per Response: 0.4 hours.

Estimated Total Annual Burden Hours: 13,200.

Estimated Total Annual Cost: The total cost in fiscal year 1997 for the Service Annual Survey is $3,507,000 all borne by the Bureau of the Census. The cost to the respondent is estimated to be $660,000, based on an annual response burden of 13,200 hours and a rate of $50 per hour to complete the form.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 182, 224, and 225.

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 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: March 17, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–7125 Filed 3–20–97; 8:45 a.m.]

BILLING CODE 3510–07–P

Transportation Annual Survey

ACTION: Proposed collection; comment requested.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before May 20, 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) and instructions should be directed to Ruth Bramblett, Bureau of the Census, Room 2775-FOB 3, Washington, DC 20233–6500, (301) 457–2766.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Transportation Annual Survey (TAS) provides detailed estimates of revenue and expenses for the commercial motor freight transportation and public warehousing industries. The Bureau of Economic Analysis (BEA), the primary Federal user, uses the information in developing the national income and product accounts, compiling benchmark and annual input-output tables, and computing gross domestic product (GDP) by industry. Agencies of the U.S. Department of Transportation (DOT) use the data for policy development and program management and evaluation. The Bureau of Labor Statistics (BLS) uses these data as inputs to its Producer Price Indexes and in developing productivity measurements. The Census Bureau uses these data to provide new insight into changing structural and cost conditions that will impact the planning and design of future economic census questionnaires. Private industry also uses these data as a tool for marketing analysis. Data are collected from all of the largest firms and from a sample of small- and medium-sized businesses, selected using a stratified sampling procedure. The TAS sample is reselected periodically, generally at 5-year intervals. The largest firms continue to be canvassed when the sample is re-drawn, while nearly all of the small- and medium-sized firms from the prior sample are replaced.

II. Method of Collection

We collect this information by mail.

III. Data

OMB Number: 0607–0798.

Form Number: B–514, B–515, B–524, B–525.

Type of Review: Regular Submission.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 4,000.

Estimated Time Per Response: 2.73.

Estimated Total Annual Burden Hours: 10,908.

Estimated Total Annual Cost: The total cost in fiscal year 1997 for the Transportation Annual Survey is $809,000, all borne by the Bureau of the Census. The cost to the respondent is estimated to be $545,400, based on an annual response burden of 10,908 hours and a rate of $50 per hour to complete the form.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code; Sections 182, 224, and 225.

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: March 17, 1997.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 97–7126 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–07–P

Foreign-Trade Zones Board

[Order No. 878]

Grant of Authority for Subzone Status; Shell Oil Company (Oil Refinery); Madison County, Illinois

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

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Tri-City Port District, grantee of Foreign-Trade Zone 31, for authority to establish special-purpose subzone status at the oil refinery complex of Shell Oil Company, at sites in Madison County, Illinois, was filed by the Board on April 17, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 32–96, 61 FR 18379, 4–25–96), and amended to include two additional sites on September 26, 1996 (61 FR 55268, 10–25–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the amended application would be in the public interest if approval is subject to the conditions listed below;

Now, Therefore, the Board hereby grants authority for subzone status at the oil refinery complex of Shell Oil Company, at sites in Madison County, Illinois (Subzone 31B), at the locations described in the amended application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

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

2. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR § 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000—#2710.00.1050, #2710.00.2500 and #2710.00.4500 which are used in the production of:

—Petrochemical feedstocks and refinery by-products (examiners report, Appendix C);

—Products for export; and,

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

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

Signed at Washington, DC, this 10th day of March 1997.

Robert S. LaRussa,

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

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–7243 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 879]

Grant of Authority for Subzone Status; Marathon Oil Company (Oil Refinery); Wayne County (Detroit Area), MI

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

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Greater Detroit Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zone 70, for authority to establish special-purpose subzone status at the oil refinery complex of Marathon Oil Company, at sites in Wayne County (Detroit area), Michigan, was filed by the Board on May 28, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 45–96, 61 FR 28839, 6–6–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby grants authority for subzone status at the oil refinery complex of Marathon Oil Company, located at sites in Wayne County (Detroit area), Michigan (Subzone 70T), at the locations described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

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

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

—Petrochemical feedstocks and refinery by-products (examiners report, Appendix C);
—Products for export; and,
—Products eligible for entry under HTSUS T1# 9808.00.30 and 9808.00.40 (U.S. Government purchases).

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

Signed at Washington, DC, this 10th day of March 1997.

Robert S. LaRussa,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–7244 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 880]

Grant of Authority for Subzone Status; Chevron Products Company (Oil Refinery); Perth Amboy (Middlesex County), NJ

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

Whereas, by an Act of Congress approved June 18, 1934, an Act ''To provide for the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' as amended (19 U.S.C. 81a–81u) (the Act), the Foreign-Trade Zones Board (the Board) is authorized to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR Part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved;

Whereas, an application from the Port Authority of New York and New Jersey, grantee of Foreign-Trade Zone 49, for authority to establish special-purpose subzone status at the oil refinery of Chevron Products Company located in Perth Amboy (Middlesex County), New Jersey, was filed by the Board on October 21, 1996, and notice inviting public comment was given in the **Federal Register** (FTZ Docket 78–96, 61 FR 55954, 10–30–96); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations would be satisfied, and that approval of the application would be in the public interest if approval is subject to the conditions listed below;

Now, therefore, the Board hereby grants authority for subzone status at the oil refinery complex of Chevron Products Company, located in Perth Amboy (Middlesex County), New Jersey (Subzone 49F), at the location described in the application, subject to the FTZ Act and the Board's regulations, including § 400.28, and subject to the following conditions:

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

2. Privileged foreign status (19 CFR § 146.41) shall be elected on all foreign merchandise admitted to the subzone, except that non-privileged foreign (NPF) status (19 CFR § 146.42) may be elected on refinery inputs covered under HTSUS Subheadings #2709.00.1000–#2710.00.1050, #2710.00.2500 and #2710.00.4510 which are used in the production of asphalt and certain intermediate fuel products (examiners report, Appendix C);

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

Signed at Washington, DC, this 10th day of March 1997.

Robert S. LaRussa,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–7245 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[Order No. 869]

Application of the Metropolitan Nashville-Davidson County Port Authority To Expand FTZ Subzone 78A, Nissan Motor Manufacturing Corporation U.S.A., Smyrna, TN

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

After consideration of the application submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Metropolitan Nashville-Davidson County Port Authority, grantee of FTZ 78 (filed 2–21–96), requesting authority to expand FTZ Subzone 78A (Nissan Motor Manufacturing Corporation U.S.A., plant, Smyrna, Tennessee) to include a new plant site (engines/transaxles) in Decherd, Tennessee, the Board, finding that the requirements of the FTZ Act and the Board's regulations are satisfied, and that the proposal is in the public interest, approves the application.

The approval is subject to the FTZ Act and the Board's regulations, including § 400.28. The Secretary of Commerce, as Chairman of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Signed at Washington, DC, this 10th day of March 1997.

Robert S. LaRussa,

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

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–7242 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[Docket 15–97]

Foreign-Trade Zone 39—Dallas-Fort Worth, Texas Application for Subzone Fossil Partners L.P. (Watches, Sun Glasses and Leather Goods); Dallas, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Dallas/Fort Worth International Airport Board, grantee of FTZ 39, requesting subzone status for the distribution facility of Fossil Partners L.P. (Fossil), located in Richardson, Texas, some 8 miles north of Dallas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on March 12, 1997.

The Fossil facility (156,000 sq. ft. on 20.41 acres; 437 employees) is located at 2280 North Greenville Avenue in Richardson. It is used to distribute a wide range of consumer products, including fashion watches and accessories, sunglasses and leather goods, some of which are sourced from abroad (duty rate range—2.6%–14%). The products are distributed throughout the U.S. and abroad.

Zone procedures would exempt Fossil from Customs duty payments on the foreign products that are reexported. On its domestic sales, it would be able to defer Customs duty payments on merchandise that is sourced from abroad. The application indicates that zone savings would help improve the international competitiveness of the facility.

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

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 20, 1997. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period June 4, 1997.

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

U.S. Department of Commerce Export Assistance Center, P.O. Box 420069, 2050 N. Stemmons Fwy., Ste 170, Dallas, Texas 75207

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

Dated: March 13, 1997.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 97–7239 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–428–816]

Certain Cut-to-Length Carbon Steel Plate From Germany; Notice of Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of Rescission of Antidumping Duty Administrative Review.

EFFECTIVE DATE: March 21, 1997.

SUMMARY: On September 17, 1996, the Department of Commerce (''the Department'') published in the **Federal Register** (61 FR 48882) a notice announcing the initiation of an administrative review of the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate from Germany. This review covered the period August 1, 1995 through July 31, 1996. This review has now been rescinded as a result of the absence of entries into the U.S. of subject merchandise during the period of review.

FOR FURTHER INFORMATION CONTACT: Nancy Decker or Linda Ludwig, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–1324 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION: On August 30, 1996, petitioners requested a review of A.G. der Dillinger Huettenwerke (Dillinger). The Department initiated this review on September 17, 1996. On that same date, Dillinger filed a letter certifying to the Department that it did not export any subject merchandise that was entered for consumption into the United States during the period of review (POR). The Department sent a no-shipment inquiry regarding Dillinger to U.S. Customs on October 30, 1996. Customs did not indicate that there were any such entries.

Because the only firm for which a review was requested made no entries into the customs territory of the United States during that POR, the Department is rescinding this review. This determination is consistent with the Department's practice. *See Antidumping Duties; Countervailing Duties; Notice of Proposed Rulemaking*, 61 FR 7308, 7317, 7365 (February 27, 1996) (section 351.213(d)(3)).

This notice is published in accordance with section 751 of the Tariff Act of 1930, as amended 19 U.S.C. § 1675 (1995), and 19 CFR 353.22 (1996).

Dated: March 12, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 97–7241 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–351–817]

Cut-to-Length Carbon Steel Plate from Brazil; Antidumping Duty Administrative Review; Extension of Time Limit

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit of the preliminary results of the antidumping duty administrative review of Cut-to-Length Carbon Steel Plate from Brazil. This review covers the period August 1, 1995 through July 31, 1996.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Samantha Denenberg or Linda Ludwig, Office of AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0413 or 482–3833, respectively.

SUPPLEMENTARY INFORMATION: Due to the complexity of issues involved in this case, it is not practicable to complete this review within the original time limit. The Department is extending the time limit for completion of the preliminary results until September 2, 1997, in accordance with Section 751(a)(3)(A) of the Trade and Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675 (a)(3)(A)).

Dated: March 7, 1997.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 97–7246 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–580–501]

Photo Albums and Photo Album Filler Pages From South Korea, Revocation of the Antidumping Duty Order

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

ACTION: Notice of revocation of antidumping duty order.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its revocation of the antidumping duty order on photo albums and photo album filler pages from South Korea because it is no longer of any interest to domestic interested parties.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Tom Futtner or Michael Panfeld, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 482–3814.

SUPPLEMENTARY INFORMATION:

Background

The Department may revoke an antidumping duty order if the Secretary concludes that the duty order is no longer of any interest to domestic interested parties. We conclude that there is no interest in an antidumping duty order when no interested party has requested an administrative review for five consecutive review periods and when no domestic interested party objects to revocation (19 CFR 353.25(d)(4)(iii)).

On November 27, 1996, the Department published in the **Federal Register** (61 FR 60260) its notice of intent to revoke the antidumping duty order on photo albums and photo album filler pages from South Korea (December 16, 1985). Additionally, as required by 19 CFR 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this antidumping duty order on each domestic interested party on the service list. Domestic interested parties who might object to the revocation were provided the opportunity to submit their comments not later than the last day of the anniversary month.

In this case, we received no requests for review for five consecutive review periods. Furthermore, no domestic interested party, as defined under § 353.2(k)(3), (k)(4), (k)(5), or (k)(6) of the Department's regulations, has expressed opposition to revocation. Based on these facts, we have concluded that the antidumping duty order on photo albums and photo album filler pages from South Korea is no longer of any interest to interested parties. Accordingly, we are revoking this antidumping duty order in accordance with 19 CFR 353.25(d)(4)(iii).

Scope of the Order

Imports covered by the revocation are shipments of photo albums from South Korea. This merchandise is currently classifiable under Harmonized Tariff Schedules (HTS) item numbers 3920.00.00, 3921.00.00, 4819.50.00, 4820.50.00, 4820.90.00, and 4823.90.00. The HTS numbers are provided for convenience and customs purposes. The written description remains dispositive.

This revocation applies to all unliquidated entries of photo albums and photo album filler pages from South Korea entered, or withdrawn from warehouse, for consumption on or after December 1, 1996. Entries made during the period December 1, 1995, through November 30, 1996, will be subject to automatic assessment in accordance with 19 CFR 353.22(e). The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after December 1, 1996, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries. This notice is in accordance with 19 CFR 353.25(d).

Dated: March 7, 1997.

Richard W. Moreland,

Acting Deputy Assistant Secretary for AD/CVD Enforcement.

[FR Doc. 97–7250 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

[A–580–828 and A–583–827]

Initiations of Antidumping Duty Investigations: Static Random Access Memory From the Republic of Korea and Taiwan

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

ACTION: Initiation of antidumping investigation.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Shawn Thompson at (202) 482–1776 or Roy Unger at (202) 482–0651, Import Administration—Room B099, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

Initiations of Investigations

The Applicable Statute

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act (''URAA').

The Petition

On February 25, 1997, the Department of Commerce (''the Department'')

received a petition filed in proper form by Micron Technology, Inc. (''petitioner''). The Department received supplemental information to the petition on March 11, 1997.

In accordance with section 732(b) of the Act, petitioner alleges that imports of Static Random Access Memory (''SRAMs'') from the Republic of Korea (''Korea'') and Taiwan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States.

The Department finds that petitioner has standing to file the petition because it is an interested party as defined in section 771(9)(C) of the Act.

Scope of Investigations

The products covered by these investigations are synchronous, asynchronous, and specialty SRAMs from Korea and Taiwan, whether assembled or unassembled. Assembled SRAMs include all package types. Unassembled SRAMs include processed wafers or die, uncut die, and cut die. Processed wafers produced in Korea and Taiwan, but packaged or assembled into memory modules in a third country, are included in the scope; wafers produced in a third country and assembled or packaged in Korea or Taiwan are not included in the scope.

The scope of these investigations includes modules containing SRAMs. Such modules include single in-line processing modules (''SIPs''), single in-line memory modules (''SIMMs''), dual in-line memory modules (''DIMMs''), memory cards, or other collections of SRAMs, whether unmounted or mounted on a circuit board.

The SRAMs subject to these investigations are classifiable under subheadings 8542.13.8037 through 8542.13.8049, 8473.30.10 through 8473.30.90, and 8542.13.8005 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these investigations is dispositive.

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that petitions be filed on behalf of the domestic industry. In this regard, section 732(c)(4)(A) of the Act requires the Department to determine, prior to the initiation of an investigation, whether certain percentage thresholds of industry support are satisfied. A petition meets the minimum requirements for initiation if the domestic producers or workers who support the petition account for: (1) at least 25 percent of the total production of the domestic like product; and (2) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition.

Section 771(4)(A) of the Act defines the ''industry'' as the producers of a domestic like product. Thus, to determine whether the petition has the requisite industry support, the Act directs the Department to look to producers and workers who account for production of the domestic like product. The International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. However, while both the Department and the ITC must apply the same statutory definition of domestic like product, they do so for different purposes and pursuant to separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the domestic like product, such differences do not render the decision of either agency contrary to the law.[1]

Section 771(10) of the Act defines domestic like product as ''a product that is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation,'' i.e., the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition.

As noted earlier, the scope of the petition is limited to SRAMs. This is the petitioner's sole proposed domestic like product. The Department has no basis on the record to find this domestic like product definition clearly inadequate. In this regard, we have found no basis on which to reject petitioner's representations that there are no clear dividing lines, in terms of characteristics and uses, between synchronous, asynchronous, and specialty SRAMs . (*See* March 17, 1997, Memorandum to the File.) The Department has, therefore, adopted the domestic like product definition set forth in the petition.

Our review of the production data provided in the petition and petition supplements indicates that the petitioner and supporters of the petition account for more than 50 percent of the total production of the domestic like product, thus meeting the standard of section 732(c)(4)(A) of the Act. The Department received no expressions of opposition to the petition from any domestic producers or workers. Accordingly, the Department determines that the petition is supported by the domestic industry.

Export Price and Normal Value

The following are descriptions of the allegations of sales at less than fair value upon which our decisions to initiate are based. Should the need arise to use any of this information in our preliminary or final determinations, we will re-examine the information and may revise the margin calculations, if appropriate.

Petitioner based export price (''EP'') in Korea on an invoice for the sale of one megabit synchronous SRAMs in a 32x32 configuration from one producer/exporter in Korea. Petitioner based EP in Taiwan on two price quotations obtained by a private market research firm for the sale of the same type of SRAM from two producers/exporters in Taiwan. Regarding one of these companies, however, there is no evidence in the petition that it is a foreign producer. Rather, this company appears to be a U.S. customer who has a manufacturing arrangement with a Taiwanese company. Nonetheless, because the price quote involving this company related to merchandise produced in Taiwan, we have considered this offer for purposes of initiation. Petitioner made no adjustments to EP.

With respect to normal value (''NV''), petitioner also provided price quotes obtained from a private market research firm for home market sales in Korea and Taiwan for one megabit 32x32 synchronous SRAMs from the same Korean and Taiwanese sources. Petitioner made no adjustments to the home market price quotes.

In accordance with section 773(b)(2) of the Act, petitioner alleged that sales of SRAMs in both the Korean and Taiwanese home markets were made at prices below the cost of production (''COP''). The components of COP, as enumerated in section 773(b)(3) of the Act, are the cost of manufacture (''COM''), packing, and selling, general, and administrative expenses (''SG&A'').

[1] *See Algoma Steel Corp., Ltd. v. United States,* 688 F. Supp. 639, 642–44 (CIT 1988); *High Information Content Flat Panel Displays and Display Glass Therefor from Japan: Final Determination; Rescission of Investigation and Partial Dismissal of Petition,* 56 Fed. Reg. 32376, 32380–81 (July 16, 1991).

SG&A includes the company's net financing expense.

Petitioner calculated COM for each of the Korean and Taiwanese producers for whom it obtained sales data based on its own production experience, adjusted for labor and utility costs in Korea and Taiwan. Petitioner also adjusted production costs for known differences in wafer size, where applicable, die size, and yields. Petitioner used each producer/exporter's most recently available financial statements in order to derive SG&A and research and development expenses. Petitioner based intellectual property expenses on its own experience.

We made the following revisions to petitioner's COP calculations for both the Korean and Taiwanese companies: (1) eliminated intellectual property expenses from the calculation because petitioner provided insufficient evidence that the foreign producers incurred such expenses; and (2) used the higher of petitioner's actual yield experience or petitioner's estimate of foreign producers' yields as a conservative measure because petitioner did not sufficiently substantiate its estimates of the foreign companies' production yields. We also disallowed petitioner's adjustment of the Korean company's fabrication equipment depreciation expense based on wafer size because petitioner was unable to provide adequate support for this adjustment. Instead, we relied on petitioner's own experience for this expense in the COM calculation. Because petitioner did not provide SG&A information for one Taiwanese producer, we relied on the experience of the other SRAMs producer in calculating COP and CV.

The allegation that the Korean and Taiwanese producers are selling the foreign like product in their home markets at prices below their COP is based upon a comparison of the home market prices with the calculated COP. Based upon our analysis of the COP information in the petition, we find reasonable grounds to believe or suspect that sales of the foreign like product may have been made at prices below COP in accordance with section 773(b)(2)(A)(i) of the Act. Accordingly, the Department is initiating cost investigations with respect to both Korea and Taiwan.

To calculate constructed value (''CV''), petitioner used the same information used to calculate COP. For purposes of the petition, petitioner used a profit rate of zero in its calculation of CV. The Department made the same revisions to CV as it did to COP, as discussed above. Because the home market prices of each producer are less than the COP, the Department based NV on CV.

Based on comparisons of EP to NV, the calculated dumping margin for SRAMs from Korea is 55.36 percent ad valorem. The calculated dumping margins for SRAMs from Taiwan range from 93.54 to 113.85 percent ad valorem.

Initiations of Investigations

We have examined the petition on SRAMs from Korea and Taiwan and have found that it meets the requirements of section 732 of the Act, including the requirements concerning allegations of the material injury or threat of material injury to the domestic producers of a domestic like product by reason of the complained-of imports, allegedly sold at less than fair value. Therefore, we are initiating antidumping duty investigations to determine whether imports of SRAMs from Korea and Taiwan are being, or are likely to be, sold in the United States at less than fair value. Unless extended, we will make our preliminary determinations by August 4, 1997.

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, a copy of the public version of the petition has been provided to the representatives of the government of Korea, as well as to the authorities of Taiwan. We will attempt to provide a copy of the public version of the petition to each exporter named in the petition (as appropriate).

ITC Notification

We have notified the ITC of our initiations, as required by section 732(d) of the Act.

Preliminary Determinations by the ITC

The ITC will determine by April 11, 1997, whether there is a reasonable indication that imports of SRAMs from Korea and Taiwan are causing material injury, or threatening to cause material injury, to a U.S. industry. A negative ITC determination in either of the investigations will result in that investigation being terminated; otherwise, the investigations will proceed according to statutory and regulatory time limits.

Dated: March 17, 1997.

Robert S. LaRussa,

Acting Assistant Secretary for Import Administration.

[FR Doc. 97–7251 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

National Institutes of Health, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 96–133. Applicant: National Institutes of Health, Bethesda, MD 20892. Instrument: Electron Microscope, Model CM120. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 62 FR 4032, January 28, 1997. Order Date: August 20, 1996.

Docket Number: 96–135. Applicant: Medical University of South Carolina, Charleston, SC 29425. Instrument: Electron Microscope, Model JEM–1210. Manufacturer: JEOL, Ltd., Japan. Intended Use: See notice at 62 FR 4032, January 28, 1997. Order Date: October 17, 1996.

Docket Number: 96–140. Applicant: Associated Universities, Inc., Upton, NY 11973. Instrument: Electron Microscope with Accessories, Model JEM–3000F. Manufacturer: JEOL, Ltd., Japan. Intended Use: See notice at 62 FR 5619, February 6, 1997. Order Date: September 24, 1996.

Comments: None received.

Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered.

Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States at the time of order of each instrument.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–7247 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

Oklahoma State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the

Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 96–131. Applicant: Oklahoma State University, Stillwater, OK 74078. Instrument: Ti:Sapphire Laser, Model MBR–110. Manufacturer: Microlase Optical Systems Ltd., United Kingdom. Intended Use: See notice at 62 FR 4032, January 28, 1997. Reasons: The foreign instrument provides: (1) a tunable bandwith between 700—1050nm, (2) single frequency output of 1W for 7W pump (at peak Ti:S gain) and (3) a scan length of 0–30 GHz at 800nm.

Docket Number: 96–132. Applicant: National Institutes of Health, Bethesda, MD 20892. Instrument: Stopped-Flow Spectrometer, Model SX.18MV. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended Use: See notice at 62 FR 4032, January 28, 1997. Reasons: The foreign instrument provides: (1) a sequential stopped-flow drive with multimixing capability, (2) full anaerobic capability and (3) an integrated photodiode array detector.

Docket Number: 96–134. Applicant: U.S. Geological Survey, Reston, VA 20192. Instrument: Mass Spectrometer, Model Delta^{plus}. Manufacturer: Finnigan MAT, Germany. Intended Use: See notice at 62 FR 4032, January 28, 1997. Reasons: The foreign instrument provides: (1) a 6-cup Farraday multicollector, (2) online carbonate preparation and elemental analyzer inlets and (3) an external precision of 0.006 per mil with 10 bar µl samples of CO_2.

The capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purposes. We know of no instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–7248 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

State University of New York, Binghamton, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 96–121. Applicant: State University of New York, Binghamton, NY 13902–6000. Instrument: Binocular Eye Tracking System, Model ET4. Manufacturer: AMTech, Germany. Intended Use: See notice at 62 FR 979, January 7, 1997. Reasons: The foreign instrument provides: (1) Precise measurement of oculomotor trajectories without artifacts due to shifting of liquid in the eyeball during eye rotation for study of movement contingent display changes and (2) computer software for examining binocular coordination. Advice received from: University of Pennsylvania, February 27, 1997.

Docket Number: 96–125. Applicant: Smithsonian Institution, Washington, DC 20005. Instrument: Biological Cryostage, Model BCS 196. Manufacturer: Linkam Scientific Instruments Ltd., United Kingdom. Intended Use: See notice at 62 FR 2133, January 15, 1997. Reasons: The foreign instrument provides: (1) Cooling of the cryostage down to −196°C using unpressurized liquid nitrogen, (2) a cooling rate of 0.01°C/min. to 100°C/min. and (3) program controlled supercooling. Advice received from: National Institutes of Health, December 16, 1996.

Docket Number: 96–126. Applicant: Cornell University, Ithaca, NY 14850. Instrument: IR Mass Spectrometer, Model Delta^{plus}. Manufacturer: Finnigan MAT, Germany. Intended Use: See notice at 62 FR 2133, January 15, 1997. Reasons: The foreign instrument provides: (1) An abundance sensitivity of 1500 molecules CO_2 per mass 44 ion at the collector, (2) mass range of 1–70 at 3 keV and (3) a viscous gas flow dual inlet system. Advice received from: National Institutes of Health, December 16, 1996.

Docket Number: 96–128. Applicant: Montana State University, Bozeman, MT 59717–0352. Instrument: Real-time Microbial Analysis System, Model ChemScan. Manufacturer: Chemunex SA, France. Intended Use: See notice at 62 FR 2133, January 15, 1997. Reasons: The foreign instrument provides: (1) Discrimination of stained bacteria or other microbes (yeasts, molds, spores) from non-microbial particles and (2) concurrent identification and viability assessment of target species. Advice received from: National Institutes of Health, December 16, 1996.

Docket Number: 96–136. Applicant: University of California, Berkeley, Berkeley, CA 94720–5600. Instrument: (4 each) Broadband Seismometers, Model STS–2. Manufacturer: G. Streckeisen AG, Switzerland. Intended Use: See notice at 62 FR 4033, January 28, 1997. Reasons: The foreign instrument provides: (1) A flat velocity response and output (within 3 dB) over a range of 120 seconds to 50 Hz and (2) a high differential voltage range (40 volts peak to peak) for a large dynamic range. Advice received from: U.S. Geological Survey, February 24, 1997.

Docket Number: 96–137. Applicant: Cornell University, Ithaca, NY 14850. Instrument: Mass Spectrometer, Model GEO 20–20. Manufacturer: Europa Scientific Ltd., United Kingdom. Intended Use: See notice at 62 FR 4032, January 28, 1997. Reasons: The foreign instrument provides: (1) An abundance sensitivity of <10 ppm for CO_2—dual inlet mode, (2) analytical precision of $2S_{10}$ for 10 changeovers at natural abundance and (3) a 120° extended geometry magnetic sector analyzer. Advice received from: National Institutes of Health, January 13, 1997.

A private university research department, the U.S. Geological Survey and the National Institutes of Health advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–7249 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to Section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with 15 CFR 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 97–014. Applicant: University of New Orleans, Department of Chemistry, 2000 Lakeshore Drive, New Orleans, LA 70148. Instrument: Mass Spectrometer, Model VG AutoSpec. Manufacturer: Micromass, Inc., United Kingdom. Intended Use: The article is intended to be used for studies of compounds (anti-convulsant compounds, cocaine analogues, carceplexes, glycolipids, phosphazine derivatives, natural toxins and environmental pollutants) synthesized in coordination with on-going research in organic, inorganic, physical and analytical chemistry laboratories. The objectives of the investigations will be identification of compounds polluting the environment, synthesis of new products for the treatment of drug addiction, synthesis of new drugs for the treatment of epilepsy and related disorders, and remediation of environmental pollution. In addition, the instrument will be used for educational purposes in the courses CHEM 4030 Instrumental Analysis Laboratory and CHEM 6117 Advanced Mass Spectrometry. Application accepted by Commissioner of Customs: February 6, 1997.

Docket Number: 97–016. Applicant: Duke University, Free-Electron Laser Laboratory, LaSalle Street Extension, Durham, NC 27708–0319. Instrument: Interferometer. Manufacturer: SF SDB ''Granat'', C.I.S. Intended Use: The instrument will be used for studies of the following phenomena: (1) Extremely narrowband, nonlinear optical processes in solids and gases, e.g. surface studies, (2) chemical reaction dynamics under single mode excitation, e.g. isotope separation, (3) molecular energy transfer in long-lived excited states, (4) highly resolved and efficient spectral hole burning, (5) the strength and shape of ''forbidden'' transitions and (6) the efficiency of nonlinear frequency-mixing interactions. Application accepted by Commissioner of Customs: February 11, 1997.

Docket Number: 97–017. Applicant: University of California, San Diego, Department of Medicine 0931, 9500 Gilman Drive, La Jolla, CA 92093–0931. Instrument: Sleep Recorder, Model Vitaport 2. Manufacturer: TEMEC Instruments BV, The Netherlands. Intended Use: The instrument will be used for studies of the effects of microgravity on the human body, especially sleep functions, circadian rhythm changes and pulmonary function. Application accepted by Commissioner of Customs: February 11, 1997.

Docket Number: 97–018. Applicant: Ohio University, Department of Biological Sciences, Irvine Hall, Athens, OH 45701. Instrument: Electron Microscope, Model JEM–1010. Manufacturer: JEOL Ltd., Japan. Intended Use: The instrument will be used for processing of biological tissues in various studies of muscles, the nervous system, mosquitoes, Antarctic fishes and the invertebrate digestive system to show the subtle changes and the minute structural adaptations of the tissues. Application accepted by Commissioner of Customs: February 13, 1997.

Docket Number: 97–019. Applicant: The Johns Hopkins University, 3400 N. Charles Street, Baltimore, MD 21218. Instrument: Fiber-Electrode Micromanipulator. Manufacturer: Thomas Recording Sci. Res., Germany. Intended Use: The instrument will be used in studies of brain functions; specifically, how do neurons in the brain process sensory information? Application accepted by Commissioner of Customs: February 20, 1997.

Docket Number: 97–020. Applicant: University of Texas at Austin, Marine Science Institute, 750 Channelview Drive, Port Aransas, TX 78373. Instrument: IR Mass Spectrometer, Model DELTA^{plus}. Manufacturer: Finnigan MAT, Germany. Intended Use: The article is intended to be used for microbiological, ecological, physiological and chemical studies of the ocean. This research will use the stable isotope compositions of the bioactive elements, such as carbon, nitrogen and sulfur to delineate metabolic pathways, understand food webs in natural environments and determine the sources, transformations and fates of these elements in ecosystems. The instrument will determine the carbon nitrogen and sulfur isotopic ratios of gases, solids and liquids in the natural state with minimal sample preparation. Application accepted by Commissioner of Customs: February 20, 1997.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 97–7240 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DS–P

Telecommunications Trade Mission to Rome

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Deputy Assistant Secretary for Technology and Aerospace Industries will lead a telecommunications trade mission to Rome, Italy on May 11–14, 1997. The mission's goal is to provide first-hand market information and access to key Italian government officials and potential business partners for 7 to 15 U.S. telecom firms desiring to expand their presence in the Italian market. New opportunities for U.S. firms are being opened by the liberalization of Italian regulatory policy to allow competition in telecom services and related infrastructure.

DATES: Interested U.S. firms should apply to participate in the mission as soon as possible. All application requirements must be completed by April 11.

FOR FURTHER INFORMATION CONTACT: Requests for further information should be addressed to the Project Officer, Myles Denny-Brown, Room 4324, the Department of Commerce, Washington, D.C., 20230. Due to the short deadline, it is recommended that replies be by fax at (202) 482–5834 or phone at (202) 482–0398.

SUPPLEMENTARY INFORMATION: The criteria for selection of mission participants are:

- Relevance of a company's business line to mission goals
- Timeliness of completed application by company (including participation fee)
- Minimum of seven, maximum of fifteen participating companies in mission
- Potential for business in Italy for company

Any partisan political activities (including political contributions) of an applicant are entirely irrelevant to the selection process.

Italy has one of the fastest growing telecommunications markets in Europe,

valued at $8 billion for telecom equipment and $20 billion for telecommunications services in 1996. The Deputy Assistant Secretary and his delegation will meet with senior officials from the Italian Ministry of Communications to obtain detailed information on steps the Government of Italy is taking to introduce telecommunications services competition in its market by January 1998. Similarly the delegation will meet with senior officials from STET/Telecom Italia to obtain in-depth information on their privatization plans and strategic partner search and on opportunities for U.S. telecom firms in this regard. Finally participating U.S. firms will be introduced to qualified Italian business partners through mission events and a series of one-on-one meetings.

Dated: March 17, 1997.

Myles Denny-Brown,

Project Officer.

[FR Doc. 97–7207 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–DR–P

National Oceanic and Atmospheric Administration

[I.D. 031397E]

Endangered Species; Permits

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

ACTION: Issuance of scientific research permit 1028, modification 1 to scientific research permit 943, and receipt of a request to modify scientific research permit 984.

SUMMARY: Notice is hereby given that on February 7, 1997, NMFS issued modification 1 to scientific research Permit 943 to Thomas Savoy, of Connecticut Department of Environmental Protection (P430A). On March 6, 1997, NMFS issued scientific research Permit 1028 to Steve Serfling of Mote Marine Laboratory (P610A). In addition, Drs. Mary L. Moser and Steve W. Ross of the University of North Carolina (P423B) have requested a modification to Permit 984. All three permits authorize the take of listed shortnose sturgeon for the purpose of scientific research subject to certain conditions set forth therein.

DATES: Written comments or requests for a public hearing on the request to modify Permit 984 must be received on or before April 21, 1997, and must be submitted to the Chief, Endangered Species Division, Office of Protected Resources (see **ADDRESSES**).

ADDRESSES: The applications, permits, and related documents are available for review by appointment in the following offices:

Office of Protected Resources, F/PR3, NMFS, 1315 East-West Hwy., Room 13307, Silver Spring, MD 20910–3226 (301–713–1401); and

Director, Northeast Region, NMFS, NOAA, One Blackburn Drive, Gloucester, MA 01930–2298 (508–281–9250) for Permit 943; or

Director, Southeast Region, NMFS, NOAA, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432 (813–893–3141) for Permits 984 and 1028.

SUPPLEMENTARY INFORMATION: Notice was published on September 6, 1996 (61 FR 47113) that an application had been filed by Thomas Savoy, Connecticut Department of Environmental Protection (P430A), for a modification to Permit 943 to take listed shortnose sturgeon as authorized by the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531–1543) and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217–222).

On February 7, 1997, NMFS issued modification 1 to Permit 943. The original permit authorized collecting, handling, and tagging of 800 shortnose sturgeon (*Acipenser brevirostrum*) per year in the Connecticut River, within the boundaries of the State of Connecticut. These sturgeon were captured, measured, examined, tagged, and released. Ten of these sturgeon could receive a radio or sonic transmitter. The purpose of the research is to determine current numbers, locations, and movement patterns of shortnose sturgeon within the Connecticut River. The purpose of the modification request is to test theories and gain information on spawning and migration. The modified permit authorizes: 1) The collection and release of 400 adult shortnose sturgeon and 100 juvenile shortnose sturgeon; 2) the lethal take of 150 shortnose sturgeon larvae and 150 shortnose sturgeon eggs; 3) the attachment of a radio or sonic transmitter to 25 of the adult shortnose sturgeon; and 4) a increase in the study area to include the CT River in CT and southern MA downstream of the Holyoke Dam.

Notice was published on November 22, 1996 (61 FR 59419) that an application had been filed by Steven Serfling of Mote Marine Laboratory (P610A), to take listed shortnose sturgeon as authorized by the ESA. The applicant requested a five-year permit to hold, breed, and conduct research on the following captive, hatchery-raised, shortnose sturgeon: 150 fry, 130 fingerlings, 110 juveniles, and 80 adults. The research would be conducted at the Mote Marine Laboratory in Florida, to determine effects of high temperatures, low oxygen, and salinity on the survival and growth of shortnose sturgeon.

The applicant also requested authorization to locate wild shortnose sturgeon in the St. John's and St. Marys rivers in Florida. If any sturgeon are found, tissue samples would be collected for toxic compound analysis, and the fish would be released at the original location of take. On March 6, 1997, NMFS issued Permit 1028 authorizing the above activities. Captive shortnose sturgeon must be returned to the hatchery where they originated, and may not be released into the wild.

Drs. Mary Moser and Steve W. Ross of the University of North Carolina (P423B) have requested a modification to Permit 984 to take listed shortnose sturgeon as authorized by the ESA. The applicants currently have a 2-year permit to take shortnose sturgeon in rivers of NC, to determine distribution and habitat use. The permit authorizes 30 adult shortnose sturgeon to be weighed, measured, photographed, tagged, have tissue samples taken, and be released. Up to 10 of these adult shortnose sturgeon may be tagged with an ultrasonic transmitter, and tracked. Eggs and larvae may be collected to gather information on spawning sites. The applicants request two changes to their permit: 1) To extend the permit until December 31, 2000; and 2) to remove authorization to conduct research in the Alligator and Chowan Rivers and instead have authorization to conduct research on the Pee Dee and Waccamaw Rivers.

Issuance of this permit and modified permits, as required by the ESA, was based on a finding that such permit and modification: (1) Were applied for in good faith, (2) will not operate to the disadvantage of the listed species that are the subject of the permits and modifications, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Those individuals requesting a hearing on the request to modify Permit 984 should set out the specific reasons why a hearing on this particular application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the request summary are those of the applicant and do not necessarily reflect the views of NMFS.

Dated: March 17, 1997.

Joseph R. Blum,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 97–7208 Filed 3–20–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Public Hearing for the Joint Draft Environmental Impact Statement/ Environment Impact Report (EIS/EIR) for the Disposal and Proposed Reuse of the Fleet and Industrial Supply Center, Oakland, CA

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR Parts 1500–1508) and the California Environmental Quality Act (CEQA) Section 15170, the Department of the Navy, in coordination with the Port of Oakland, has prepared and filed with the U.S. Environmental Protection Agency a joint Draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) for the Navy disposal and Port of Oakland reuse of the Navy Fleet and Industrial Supply Center, Oakland (FISCO) property and structures in Oakland, California. The Navy will be the EIS lead agency for the NEPA documentation and the Port of Oakland will be the EIR lead agency for the CEQA documentation. The Federal Highway Administration is a cooperating agency for the EIS and the California Department of Transportation is a responsible agency for the EIR. FISCO is scheduled to close in September 1998 in compliance with the 1995 Base Realignment and Closure (BRAC) directive from Congress. The Draft EIS/EIR addresses the potential impacts to the environment that may result from the disposal of FISCO via special legislation (Public Law 104–106 Section 2867) to the Port of Oakland.

FISCO is within the planning jurisdiction of the Port of Oakland. The Port of Oakland Vision 2000 Program proposes development of ship, railroad, and truck freight handling facilities to meet the anticipated demand for transportation services in the San Francisco Bay area and northern California and an intermodal port of national and international commerce. The Vision 2000 Program also includes development of public waterfront access and marine habitat enhancement.

The joint EIS/EIR provides a program level analysis supporting both the Navy NEPA requirements to describe potential environmental impacts associated with the property disposal at FISCO, and the Port of Oakland CEQA requirements to analyze environmental impacts of implementing the Vision 2000 Program.

The Draft EIS/EIR evaluates a ''No Action'' alternative and four Port of Oakland reuse alternatives. The ''No Action'' alternative would result in the federal government indefinitely retaining ownership of the nonreversionary Navy property. Under the ''No Action'' alternative, the Navy would continue leasing the property to the Port of Oakland under the existing 50 year lease agreement allowed by Public Law 102–484.

The four reuse alternatives combine the common land use components of a railroad terminal, marine terminals, public waterfront access and marine habitat enhancement. As FISCO is within the Port of Oakland jurisdiction and is designated as a Port Priority use area in the April 1996 San Francisco Bay Conservation and Development Commission and the Metropolitan Transportation Commission Seaport Plan Update, these four alternatives emphasize port-related activities. The Port of Oakland Vision 2000 Program may require additional property outside the FISCO boundary in order to meet the objectives of the Program.

ADDRESSES: The Draft EIS/EIR is available for review at the following public libraries in the vicinity of FISCO: (1) West Oakland Public Library, 1801 Adeline Street, Oakland, CA; (2) Oakland Main Library, 125 14th Street, Oakland, CA; and (3) Alameda Main Library, 2264 Santa Clara Avenue, Alameda, CA. The Navy will conduct a public hearing on Tuesday, April 8, 1997, at 7:00 p.m., in the West Oakland Library, 1801 Adeline Street, Oakland, California. Federal, state and local agencies, and interested individuals are invited to be present or represented at the hearing. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral comments to five minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed below.

FOR FURTHER INFORMATION CONTACT: All written comments concerning the Draft EIS/EIR must be submitted no later than April 22, 1997 to Mr. Gary J. Munekawa (Code 1852GM), Engineering Field Activity West, Naval Facilities Engineering Command, 900 Commodore Drive, San Bruno, California 94066–5006, telephone (415) 244–3022, fax (415) 244–3737. For information regarding the Port of Oakland Vision 2000 Program or the Draft EIR, please contact Ms. Loretta Meyer, Port of Oakland, Environmental Assessment Section, 530 Water Street, Oakland, California 94607, telephone (510) 272–1181, or fax (510) 465–3755. A limited number of additional Draft EIS/EIR documents are available on request.

Dated: March 18, 1997.

D.E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 97–7238 Filed 3–20–97; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Multi-Purpose Pilot Plant Campus; Expression of Interest and Comment Request

AGENCY: U.S. Department of Energy (DOE), Savannah River (SR) Office.

ACTION: Expressions of interest.

SUMMARY: The U.S. Department of Energy (DOE) at SR is requesting Expressions of Interest and soliciting comments on several key issues which could significantly affect the Multi-Purpose Pilot Plant Campus (MPPC, formerly known as ''TNX'') located at the Savannah River Site in Aiken, South Carolina. DOE is in the initial phases of executing a program to: (1) obtain a manager, operator, and marketer for the MPPC as a location for technology research, development, demonstration and commercial operations; (2) establish partnerships with industry to develop applied technologies for commercialization; and, (3) manage and operate Centers of Excellence in the program areas of soil remediation, groundwater contamination, radioecology, and (municipal) solid waste minimization.

DATES: Due April 7, 1997.

ADDRESSES: Angela M. Sistrunk, Contract Specialist, U.S. Department of Energy, Savannah River Operations Office, Contracts Management Division, P.O. Box A, Aiken, SC 29802.

FOR FURTHER INFORMATION CONTACT: Angela M. Sistrunk, Contract Specialist, (803) 725–8123.

SUPPLEMENTARY INFORMATION: The potential management firm would be responsible for determining and implementing the strategy for executing a program whose objectives include the management, operation, and marketing of the facilities and equipment at the MPPC, managing the Centers of Excellence, and forming industrial partnerships to commercialize technologies with the goal of achieving self-sufficiency within three years of the commencement of the management, operation, and marketing of the MPPC. DOE–SR intends to make an award in the summer of 1997 with an expectation that the contractor would assume operations on October 1, 1997. In addition to Expressions of Interest, DOE–SR is soliciting comments on several key issues which could significantly affect the work to be performed under any ensuing contract and the structure of a Request for Proposal (RFP) covering this proposed work scope. The goal is to have the campus self-sufficient within three years. Please provide any comments you may have relative to the following: (1) How do you believe DOE could accomplish this goal and meet the purpose of the campus as well? (2) Are there any innovative approaches to accomplish this program of work that has not been described in this announcement? (3) Are there any restrictions known by you that would inhibit your submittal of a proposal to a DOE RFP covering this proposed scope of work? (4) Would you recommend that DOE–SR issue a draft RFP to prospective offerors for the purpose of soliciting constructive comments? (5) What activities would you perform at the MPPC if the revenues generated from the contract were returned to you to clean up, repair or modify MPPC facilities? It is anticipated that the names and addresses of respondents of this Request for Expressions of Interest will comprise the source list for any resulting RFP DOE may prepare. Please be advised that this source list will be provided to interested parties upon request. Please provide your comments to Angela M. Sistrunk, Contract Specialist, U.S. Department of Energy, Savannah River Operations Office, Contracts Management Division, P.O. Box A, Aiken, SC, 29802. Requests and/or comments should be received in writing or be transmitted via facsimile to (803) 725–8573. All comments should be provided no later than April 7, 1997.

Ronald D. Simpson,

Head of Contracting Activity Contracts Management Division Savannah River Operations Office.

[FR Doc. 97–7175 Filed 3–20–97; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EG93–49–000]

Clarke Generating Company, L.P; Notice of Surrender of Exempt Wholesale Generator Status

March 17, 1997.

Take notice that on March 11, 1997, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, Clarke Generating Company, L.P. filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7165 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER97–707–000 and ER97–705–000]

Consolidated Edison of New York, Inc. and ProMark Energy, Inc.; Notice of Issuance of Order

March 17, 1997.

Consolidated Edison of New York, Inc. (ConEd) and ProMark Energy, Inc. (ProMark) (collectively, Applicants), its affiliated power marketer, filed separate applications to sell power at market based rates. ProMark also requested certain waivers and authorizations. In particular, ProMark requested that the Commission granted blanket approval under 18 CFR part 34 of all future issuances and assumptions of liabilities by the ProMark. On March 14, 1997, the Commission issued an Order Conditionally Accepting For Filing Proposed Market-Based Rates, Establishing Hearing Procedures And Consolidating Proceedings (Order), in the above-docketed proceedings.

The Commission's March 14, 1997 Order granted the request for blanket approval under part 34, subject to the conditions found in Ordering paragraphs (G), (H), and (J):

(G) 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 ProMark should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(H) Absent a request to be heard within the period set forth in Ordering Paragraph (G) above, ProMark is hereby authorized, pursuant to section 204 of the FPA, to issue securities and assume obligations and liabilities as guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issued or assumption is for some lawful object within the corporate purposes of ProMark, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(J) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of ProMark'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 April 14, 1997.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7145 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–48–000]

Haralson Generating Company, L.P.; Notice of Surrender of Exempt Wholesale Generator Status

March 17, 1997.

Take notice that on March 11, 1997, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, Haralson Generating Company, L.P. filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7164 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–123–002]

Kern River Gas Transmission Co.; Notice of Compliance Filing

March 17, 1997.

Take notice that on March 12, 1997, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix 1 to the filing, with an effective data of January 1, 1997.

Kern River states that the purpose of this filing is to comply with the Commission's December 27, 1996 order in Docket No. RP97–123–000.

Any person desiring to protest filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7168 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–47–000]

Muscogee Generating Company, L.P.; Notice of Surrender of Exempt Wholesale Generator Status

March 17, 1997.

Take notice that on March 11, 1997, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, Muscogee Generating Company, L.P. filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7163 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. EG93–46–000]

Richmond Generating Company, L.P.; Notice of Surrender of Exempt Wholesale Generator Status

March 17, 1997.

Take notice that on March 11, 1997, pursuant to section 365.7 of the Commission's regulations, 18 CFR 365.7, Richmond Generating Company, L.P. filed notification that it surrenders its status as an exempt wholesale generator under section 32(a)(1) of the Public Utility Holding Company Act of 1935, as amended.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7162 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT97–6–000]

Texas Eastern Transmission Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 17, 1997.

Take notice that on March 12, 1997, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following revised tariff sheets to become effective on April 12, 1997:

Fourth Revised Sheet No. 624
Second Revised Sheet No. 624A
Fourth Revised Sheet No. 647

Texas Eastern states that the above listed tariff sheets are being filed to reflect in Texas Eastern's tariff a name change for one of Texas Eastern's marketing affiliates and to add the name of a new marketing affiliate.

Texas Eastern states that copies of the filing were served on all firm customers of Texas Eastern and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7166 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–288–000]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 17, 1997.

Take notice that on March 12, 1997, Transwestern Pipeline Company (Transwestern), tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to be effective April 11, 1997.

2nd Revised Sheet No. 9A
6th Revised Sheet No. 19
8th Revised Sheet No. 20
7th Revised Sheet No. 22
12th Revised Sheet No. 29
5th Revised Sheet No. 51B
12th Revised Sheet No. 81

Transwestern states that it is filing revisions to its Tariff to give Transwestern the ability to negotiate rates as contemplated by the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking Methodologies issued January 31, 1996.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such petitions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make Protestant a party 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 inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7169 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP97–28–003]

Wyoming Interstate Company, Ltd.; Notice of Tariff Compliance Filing

Take notice that on March 12, 1997, Wyoming Interstate Company, Ltd. (WIC), tendered for filing as part of its

FERC Gas Tariff, Second Revised Volume No. 2, a substitute tariff sheet, in accordance with the February 26, 1997 letter order in this proceeding.

In the February 26, 1997 letter order, the Commission accepted WIC's Substitute Original Sheet No. 84. However, Substitute Original Sheet No. 84 had been superseded by First Revised Sheet No. 84 which did not contain the right of first refusal language that was accepted in the February 26, 1997 order. Consequently, WIC was directed to file a revised tariff sheet paginated as Substitute First Revised Sheet No. 84 which contains the appropriate right of first refusal language.

WIC states that a copy of this filing was served upon all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7167 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–110–004, et al.]

Duke Power Company, et al. Electric Rate and Corporate Regulation Filings

March 14, 1997.

Take notice that the following filings have been made with the Commission:

1. Duke Power Company

[Docket No. ER96–110–004]

Take notice that on December 20, 1996, Duke Power Company tendered for filing a Notification of Change in Status relating to the proposed combination of Duke Power Company and PanEnergy Corp.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. National Power Management Company, Kohler Company, Dupont Power Marketing, Inc., Energy Choice, L.L.C., SuperSystems, Inc., EMC Gas Transmission Company, Cumberland Power, Inc.

[Docket No. ER95–192–009, Docket No. ER95–1018–002, Docket No. ER95–1441–006, Docket No. ER96–827–004, Docket No. ER96–906–003, Docket No. ER96–2320–002, Docket No. ER96–2624–001, (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 March 4, 1997, National Power Management Company filed certain information as required by the Commission's January 4, 1995, order in Docket No. ER95–192–000.

On January 22, 1997, Kohler Company filed certain information as required by the Commission's August 4, 1995, order in Docket No. ER95–1018–000.

On February 24, 1997, Dupont Power Marketing, Inc. filed certain information as required by the Commission's August 30, 1995, order in Docket No. ER95–1441–000.

On March 4, 1997, Energy Choice, L.L.C. filed certain information as required by the Commission's March 21, 1996, order in Docket No. ER96–827–000.

On March 3, 1997, SuperSystems, Inc. filed certain information as required by the Commission's March 27, 1996, order in Docket No. ER96–906–000.

On March 3, 1997, EMC Gas Transmission Company filed certain information as required by the Commission's September 3, 1996, order in Docket No. ER96–2320–000.

On March 3, 1997, Cumberland Power, Inc. filed certain information as required by the Commission's September 25, 1996, order in Docket No. ER96–2624–000.

3. PanEnergy Lake Charles Generation, Inc.

[Docket No. ER96–1335–001]

Take notice that on December 20, 1996, PanEnergy Lake Charles Generation, Inc. tendered for filing a Notification of Change in Status.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Enova Energy Inc.

[Docket No. ER96–2372–005]

Take notice that on February 7, 1997, Enova Energy Inc. tendered for filing its informational report concerning interlocking directorates within its affiliated corporate structure.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Company of New Mexico

[Docket No. ER96–3117–000]

Take notice that on February 24, 1997, Public Service Company of New Mexico tendered for filing an amendment in the above-referenced docket.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. H.Q. Energy Services (U.S.) Inc.

[Docket No. ER97–851–000]

Take notice that on March 11, 1997, H.Q. Energy Services, (U.S.) Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: March 27, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Public Service Company of New Mexico

[Docket No. ER97–1761–000]

Take notice that on February 18, 1997, Public Service Company of New Mexico (PNM) filed as an amendment to the San Juan Project Operating Agreement (Operating Agreement) an Interim Invoicing Agreement with respect to invoicing for coal deliveries from San Juan Coal Company among PNM, Tucson Power Company (TEP) and the other owners of interests in the San Juan Generating Station. This interim agreement effectively modifies Modification 8 to the Operating Agreement for an interim period from January 1, 1997 through December 31, 1997.

PNM requests waiver of the Commission's notice requirements in order to allow the Interim Invoicing Agreement to be effective as of January 1, 1997.

Copies of this filing have been served upon the New Mexico Public Utility Commission, TEP and each of the owners of an interest in the San Juan Generating Station.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. NICOR Energy Management Services Company

[Docket No. ER97–1816–000]

Take notice that on February 25, 1997, NICOR Energy Management Services Company (NEMS) tendered for filing a petition for an order (1) accepting NEMS' Rate Schedule FERC No. 1; granting certain blanket approvals, including the authority to sell electricity

at market-based rates; and (3) waiving certain requirements of the Commission's Regulations.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Louisville Gas and Electric Company

[Docket No. ER97–1887–000]

Take notice that on February 26, 1997, Louisville Gas and Electric Company (LG&E) tendered for filing an executed Non-Firm Point-to-Point Transmission Service Agreement between LG&E and American Energy Solutions under LG&E's Open Access Transmission Tariff.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Louisville Gas and Electric Company

[Docket No. ER97–1888–000]

Take notice that on February 26, 1997, Louisville Gas and Electric Company (LG&E) tendered for filing an executed Service Agreement between LG&E and WPS Energy Service, Inc. under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Louisville Gas and Electric Company

[Docket No. ER97–1889–000]

Take notice that on February 26, 1997, Louisville Gas and Electric Company (LG&E) tendered for filing an executed Service Agreement between LG&E and MidCon Power Services Corp. under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Northern States Power Company (Minnesota)

[Docket No. ER97–1913–000]

Take notice that on February 28, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing a Network Integration Transmission Service Agreement and a Network Operating Agreement between NSP and United Power Association.

NSP requests that the Commission accept the agreement effective February 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Northern States Power Company (Minnesota)

[Docket No. ER97–1914–000]

Take notice that on February 28, 1996, Northern States Power Company (NSP), tendered Amendment No. 1 and its unbundled power sale rate information for the Municipal Interconnection and Interchange Agreement with Madelia Municipal Light & Power Plant. NSP requests an effective date of March 1, 1997.

A copy of the filing was served upon each of the parties named in the Service List.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Duquesne Light Company

[Docket No. ER97–1915–000]

Take notice that on February 24, 1997, Duquesne Light Company (DLC) filed a Service Agreement dated February 19, 1997, with Southern Energy Trading and Marketing, Inc. under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Southern Energy Trading and Marketing, Inc. as a customer under the Tariff. DLC requests an effective date of February 19, 1997, for the Service Agreement.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Rochester Gas and Electric Corporation

[Docket No. ER97–1916–000]

Take notice that on February 28, 1997, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Heartland Energy Services, Inc. (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of the RG&E open access transmission tariff filed on July 9, 1996 in Docket No. OA96–141–000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 14, 1997, for the Heartland Energy Services, Inc. Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Duquesne Light Company

[Docket No. ER97–1917–000]

Take notice that on February 24, 1997, Duquesne Light Company (DLC), filed a Service Agreement dated February 19, 1997 with Minnesota Power under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement adds Minnesota Power as a customer under the Tariff. DLC requests an effective date of February 19, 1997 for the Service Agreement.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Ohio Edison Company Pennsylvania Power Company

[Docket No. ER97–1918–000]

Take notice that on February 28, 1997, Ohio Edison Company and Pennsylvania Power Company (Ohio Edison), tendered for filing a Service Agreement with Minnesota Power & Light Company pursuant to Ohio Edison's Power Sales Tariff. This Service Agreement will enable Ohio Edison and Pennsylvania Power Company to sell capacity and energy in accordance with the terms of the Tariff.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Florida Power Corporation

[Docket No. ER97–1919–000]

Take notice that on February 28, 1997, Florida Power Corporation (Florida Power), tendered for filing a service agreement providing service to Coral Power, L.L.C. (Coral) pursuant to its open access transmission tariff (the T–6 Tariff). Florida Power requests that the Commission waive its notice of filing requirements and allow the agreement to become effective on March 3, 1997.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. Southern California Edison Co.

[Docket No. ER97–1920–000]

Take notice that on March 3, 1997, Southern California Edison Company (Edison), tendered for filing a letter dated February 28, 1997 (Letter), to the Southern California Water Company. The Letter modifies the terms under which FERC Rate Schedule No. 33.31 shall terminate.

Edison requests waiver of the Commission's 60-day notice requirement and an effective date of March 4, 1997.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. Southwestern Electric Power Company

[Docket No. ER97–1921–000]

Take notice that on March 3, 1997, Southwestern Electric Power Company (SWEPCO), tendered for filing the final return on common equity (Final ROE) to be used in redetermining or ''truing-up'' cost-of-service formula rates for wholesale service in 1996 to Northeast Texas Electric Cooperative, Inc., the City of Bentonville, Arkansas, the City of Hope, Arkansas, Rayburn Country Electric Cooperative, Inc., Cajun Electric Power Cooperative, Inc., Tex-La Electric Cooperative of Texas, Inc. and East Texas Electric Cooperative, Inc. SWEPCO provides service to these Customers under contracts which provide for periodic changes in rates and charges determined in accordance with cost-of-service formulas, including a formulaic determination of the return on common equity.

Copies of the filing were served upon the affected wholesale Customers, the Public Utility Commission of Texas, the Louisiana Public Service Commission and the Arkansas Public Service Commission.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Southern California Edison Co.

[Docket No. ER97–1922–000]

Take notice that on March 3, 1997, Southern California Edison Company (Edison), tendered for filing Service Agreements (Service Agreements) with the City of Vernon for Firm Point-To-Point Transmission Service under Edison's Open Access Transmission Tariff (Tariff) filed in compliance with FERC Order No. 888.

Edison filed the executed Service Agreements with the Commission in compliance with applicable Commission Regulations. Edison also submitted a revised Sheet No. 152 (Attachment E) to the Tariff, which is an updated list of all current subscribers. Edison requests waiver of the Commission's notice requirement to permit an effective date of March 4, 1997 for Attachment E, and to allow the Service Agreements to become effective according to their terms.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Louisville Gas and Electric Co.

[Docket No. ER97–1923–000]

Take notice that on March 3, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Service Agreement between LG&E and American Energy Solutions, Inc. under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Louisville Gas and Electric Co.

[Docket No. ER97–1924–000]

Take notice that on March 3, 1997, Louisville Gas and Electric Company (LG&E), tendered for filing an executed Non-Firm Point-to-Point Transmission Service Agreement between LG&E and Ohio Valley Electric Corporation (OVEC) under LG&E's Open Access Transmission Tariff.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Wisconsin Public Service Corporation

[Docket No. ER97–1925–000]

Take notice that on March 3, 1997, Wisconsin Public Service Corporation (WPSC), tendered for filing an executed Transmission Service Agreement between WPSC and Northern Indiana Public Service Co. The Agreement provides for transmission service under the Open Access Transmission Service Tariff, FERC Original Volume No. 11.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Wisconsin Public Service Corporation

[Docket No. ER97–1926–000]

Take notice that on March 3, 1997, Wisconsin Public Service Corporation, tendered for filing an executed service agreement with Northern Indiana Public Service Company under its CS–1 Coordination Sales Tariff.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Rochester Gas and Electric Corporation

[Docket No. ER97–1927–000]

Take notice that on March 3, 1997, Rochester Gas and Electric Corporation (RG&E), filed a Service Agreement between RG&E and the Plum Street Energy Marketing (Customer). This Service Agreement specifies that the Customer has agreed to the rates, terms and conditions of RG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER94–1279–000, as amended by RG&E's December 31, 1996, filing in Docket No. OA97–243–000.

RG&E requests waiver of the Commission's sixty (60) day notice requirements and an effective date of February 14, 1997, for the Plum Street Energy Marketing Service Agreement. RG&E has served copies of the filing on the New York State Public Service Commission and on the Customer.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Allegheny Power Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER97–1928–000]

Take notice that on February 21, 1997, Allegheny Power Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company and West Penn Power Company (Allegheny Power), filed Supplement No. 12 to add EnerZ Corporation, Minnesota Power & Light Company, and TransCanada Energy Ltd. to Allegheny Power's Open Access Transmission Service Tariff which has been submitted for filing by the Federal Energy Regulatory Commission in Docket No. OA96–18–000. The proposed effective date under the Service Agreements is February 20, 1997.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the West Virginia Public Service Commission.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Delmarva Power & Light Company

[Docket No. ER97–1929–000]

Take notice that on February 28, 1997, Delmarva Power & Light Company (Delmarva), tendered for filing a First Revised Leaf No. 2 of its Market Rate Sales Tariff. The amendment changes the definition of Transmission Tariff to substitute the transmission tariff of the Pennsylvania-New Jersey-Maryland Interconnection Association, or successor organization, (PJM) for the transmission tariff of Delmarva. The purpose of the change is to conform the Market Rate Sales Tariff to the transition from Delmarva's tariff to the PJM Tariff when the Commission allows it to become effective. Delmarva requests

waiver of the prior notice period to allow the amendment to become effective on March 1, 1997, or as soon thereafter as the Commission allows the PJM Tariff to become effective.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. Vermont Electric Power Company, Inc.

[Docket No. ER97–1930–000]

Take notice that on February 28, 1997, Vermont Electric Power Company, Inc. (VELCO), tendered for filing a revised open access transmission tariff (Tariff). On October 11, 1996, VELCO originally filed its Tariff pursuant to Order No. 888 and the September 11, 1996, Order on Requests by Public Utilities for Waivers of Orders Nos. 888 and 889. VELCO's February 28, 1997, filing revises the Tariff to enable it to operate in conjunction with the open access transmission tariff filed by the New England Power Pool (NEPOOL) on December 31, 1996. VELCO requests that the tariff become effective on the effective date of the NEPOOL tariff.

VELCO states that it has served a copy of its filing on each of the Vermont distribution utilities served by VELCO, the Vermont Department of Public Service, the Vermont Public Utility Board, all intervenors in this proceeding and all Eligible Customers that have requested a copy of the filing.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

30. Northeast Utilities Service Co.

[Docket No. ER97–1931–000]

Take notice that on February 28, 1997, Northeast Utilities Service Company (NUSCO), on behalf of The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company (including Holyoke Power and Electric Company) and Public Service Company of New Hampshire, tendered for filing pursuant to Section 205 of the Federal Power Act and Section 35.13 of the Commission's Regulations, a rate schedule change for sales of electric energy to Middleton Municipal Electric Department.

NUSCO states that a copy of this filing has been mailed to Middleton Municipal Electric Department.

NUSCO requests that the rate schedule change become effective on May 1, 1997.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

31. Competitive Utility Services Corp.

[Docket No. ER97–1932–000]

Take notice that on February 27, 1997, Competitive Utility Services Corp. (CUSCo), filed a petition for authority to sell power at market-based rates and for waiver of certain Commission Regulations. A copy of the filing was served upon the Pennsylvania Public Utility Commission.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

32. The Dayton Power and Light Company

[Docket No. ER97–1933–000]

Take notice that on March 3, 1997, The Dayton Power and Light Company (Dayton), submitted service agreements establishing Wabash Valley Power Association, Inc., Illinois Power Company, Equitable Power Services Company and American Energy Solutions, Inc. as customers under the terms of Dayton's Open Access Transmission Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon Wabash Valley Power Association, Inc., Illinois Power Company, Equitable Power Services Company, American Energy Solutions, Inc. and the Public Utilities Commission of Ohio.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

33. The Dayton Power and Light Company

[Docket No. ER97–1934–000]

Take notice that on March 3, 1997, The Dayton Power and Light Company (Dayton), submitted service agreements establishing Wasbash Valley Power Association, Inc., Equitable Power Services Company, Duquesne Light Company, Illinois Power Company, and NIPSCO Energy Services, Inc. as a customer under the terms of Dayton's Market-Based Sales Tariff.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon Wasbash Valley Power Association, Inc., Equitable Power Services Company, Duquesne Light Company, Illinois Power Company, and NIPSCO Energy Services, Inc. and the Public Utilities Commission of Ohio.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

34. Florida Power & Light Company

[Docket No. ER97–1935–000]

Take notice that on March 3, 1997, Florida Power & Light Company (FPL), tendered for filing a proposed Exhibit A to the Aggregate Billing Partial Requirements Service Agreement Between Florida Power & Light Company and Seminole Electric Cooperative, Inc. (ABPRSA).

FPL requests that the proposed Exhibit A be permitted to become effective on March 1, 1997.

FPL states that this filing is in accordance with Part 35 of the Commission's Regulations.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

35. Louisville Gas & Electric Co.

[Docket No. ER97–1945–000]

Take notice that on February 26, 1997, Louisville Gas & Electric Company (LG&E) tendered for filing an Executed Service Agreement between LG&E and PanEnergy Trading and Market Services, L.L.C. under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

36. Louisville Gas & Electric Company

[Docket No. ER97–1946–000]

Take notice that on February 26, 1997, Louisville Gas & Electric Company (LG&E) tendered for filing an Executed Service Agreement between LG&E and Federal Energy Sales, Inc. under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

37. Louisville Gas & Electric

[Docket No. ER97–1960–000]

Take notice that on February 26, 1997, Louisville Gas & Electric Company (LG&E) tendered for filing an Executed Service Agreement between LG&E and Ohio Valley Electric Corporation (OVEC) under LG&E's Rate Schedule GSS.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

38. Arizona Public Service Company

[Docket Nos. OA96–153–003 and ER96–2401–002]

Take notice that on February 28, 1997, Arizona Public Service Company tendered for filing Amendments to its Open Access Transmission Tariff in

compliance with Commission Orders dated January 29, 1997 and January 30, 1997 in the above referenced docket numbers.

A copy of this filing has been served on all parties on the official service list.

Comment date: March 28, 1997, in accordance with Standard Paragraph E at the end of this notice.

39. Orange and Rockland Utilities, Inc.

[Docket No. OA97–121–000]

Take notice that on February 24, 1997, Orange and Rockland Utilities, Inc. acting on behalf of itself and its wholly owned subsidiaries, Rockland Electric Company and Pike County Light & Power Company (collectively referred to as the Company), in compliance with the Commission's Order No. 889 issued April 24, 1996 in Docket No. RM95–9–000, tendered for filing its revised Standards of Conduct for the separation of transmission operation functions and generation marketing functions.

Comment date: March 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 97–7170 Filed 3–20–97; 8:45 am]

BILLING CODE 6717–01–P

Sunshine Act Meetings

March 18, 1997.

THE FOLLOWING NOTICE OF MEETING IS PUBLISHED PURSUANT TO SECTION 3(A) OF THE GOVERNMENT IN THE SUNSHINE ACT (PUB. L. NO. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME : March 25, 1997 10:00 a.m.

PLACE: Room 2C 888 First Street, N.E. Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

*** Note:—**Items Listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary TELEPHONE (202) 208–0400 For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

THIS IS A LIST OF MATTERS TO BE CONSIDERED BY THE COMMISSION. IT DOES NOT INCLUDE A LISTING OF ALL PAPERS RELEVANT TO THE ITEMS ON THE AGENDA; HOWEVER, ALL PUBLIC DOCUMENTS MAY BE EXAMINED IN THE REFERENCE AND INFORMATION CENTER.

Consent Agenda—Hydro 672nd Meeting—March 25, 1997, Regular Meeting (10:00 a.m.)

CAH–1.
OMITTED
CAH–2.
DOCKET# P–2381–037, PACIFICORP
CAH–3.
DOCKET# P–2550 003 N.E.W. HYDRO, INC.
CAH–4.
DOCKET# P–2587 003 NORTHERN STATES POWER COMPANY
OTHER#S UL95–6 001 NORTHERN STATES POWER COMPANY
CAH–5.
OMITTED
CAH–6.
DOCKET# P–2669 004 NEW ENGLAND POWER COMPANY
CAH–7.
DOCKET# P–6287 009 RAINSONG COMPANY
CAH–8.
DOCKET# P–2323 012 NEW ENGLAND POWER COMPANY
CAH–9.
DOCKET# P–2334 001 WESTERN MASSACHUSETTS ELECTRIC COMPANY
CAH–10.
OMITTED
CAH–11.
DOCKET# P–2395–007, FRASER PAPERS INC.
OTHER#S P–2390 006 NORTHERN STATES POWER COMPANY
P–2421 007 FRASER PAPERS INC.
P–2473 006 FRASER PAPERS INC.
P–2475 013 NORTHERN STATES POWER COMPANY
P–2640 014 FRASER PAPERS INC.

CONSENT AGENDA—ELECTRIC

CAE–1.
DOCKET# ER97–664–000, OHIO EDISON COMPANY
CAE–2.
DOCKET# ER97–1368–000, COMMONWEALTH EDISON COMPANY
CAE–3.
DOCKET# ER97–1400–000, ORANGE AND ROCKLAND UTILITIES, INC.
CAE–4.
DOCKET# ER97–1546–000, ILLINOVA POWER MARKETING, INC.
CAE–5.
DOCKET# ER97–1386–000, CONSUMERS POWER COMPANY
CAE–6.
DOCKET# ER97–1481–000, IDAHO POWER COMPANY
CAE–7.
DOCKET# OA96–192–000, OTTER TAIL POWER COMPANY
CAE–8.
DOCKET# EL95–31–001, CITY OF CONCORD, ET AL. V. DUKE POWER COMPANY
CAE–9.
DOCKET# EC92–21 000 ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
OTHER#S EC92–21–001, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EC92–21–002, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EC92–21–003, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EC92–21–004, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EL87–51–000, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–001, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–002, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–003, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–004, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–005, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–006, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL87–51–007, CAJUN ELECTRIC POWER COOPERATIVE, INC. V. GULF STATES UTILITIES COMPANY
EL94–13–000, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EL94–13–001, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
EL95–33–000, LOUISIANA PUBLIC SERVICE COMMISSION V. ENTERGY SERVICES, INC.
EL95–33–001, LOUISIANA PUBLIC SERVICE COMMISSION V. ENTERGY SERVICES, INC.
ER88–477–000, GULF STATES UTILITIES COMPANY
ER88–477–001, GULF STATES UTILITIES COMPANY

ER88–477–002, GULF STATES UTILITIES COMPANY
ER88–477–003, GULF STATES UTILITIES COMPANY
ER88–477–004, GULF STATES UTILITIES COMPANY
ER88–477–005, GULF STATES UTILITIES COMPANY
ER88–477–006, GULF STATES UTILITIES COMPANY
ER88–477–007, GULF STATES UTILITIES COMPANY
ER92–806–000, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER92–806–001, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER92–806–002, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER92–806–003, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER92–806–004, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER92–806–005, ENTERGY SERVICES, INC. AND GULF STATES UTILITIES COMPANY
ER95–408–000, GULF STATES UTILITIES COMPANY
ER95–408–001, GULF STATES UTILITIES COMPANY
ER95–1615–000, ENTERGY POWER MARKETING CORPORATION
ER95–1615–001, ENTERGY POWER MARKETING CORPORATION
ER95–1615–002, ENTERGY POWER MARKETING CORPORATION
ER95–1615–003, ENTERGY POWER MARKETING CORPORATION
ER95–1615–004, ENTERGY POWER MARKETING CORPORATION
ER95–1615–005, ENTERGY POWER MARKETING CORPORATION

CAE–10.
DOCKET# EF96–5161–000, UNITED STATES DEPARTMENT OF ENERGY—WESTERN AREA POWER ADMINISTRATION (WASHOE PROJECT)

CAE–11.
DOCKET# ER97–320–000, PACIFIC GAS AND ELECTRIC COMPANY

CAE–12.
DOCKET# EC96–16–001, MIDAMERICAN ENERGY COMPANY

CAE–13.
DOCKET# ER97–649–001, NORTHERN STATES POWER COMPANY

CAE–14.
DOCKET# EL97–23–000, AMERICAN RECOVERY COMPANY, LLC

CAE–15.
DOCKET# AC95–161–001, MONTANA-DAKOTA UTILITIES COMPANY

CAE–16.
DOCKET# EL96–4–000, KAMINE/BESICORP SYRACUSE L.P.
OTHER#S EL96–5–000, KAMINE/BESICORP BEAVER FALLS L.P.
QF88–269–005, KAMINE/BESICORP SYRACUSE L.P.
QF91–172–002, KAMINE/BESICORP BEAVER FALLS L.P.

Consent Agenda—Miscellaneous

CAM–1.
DOCKET# RM97–2–000, STATEMENT OF COMPLIANCE WITH SECTION 223 OF THE SMALL BUSINESS REGULATORY ENFORCE-MENT FAIRNESS ACT OF 1996

CONSENT AGENDA—GAS AND OIL

CAG–1.
DOCKET# RP97–1–004, NATIONAL FUEL GAS SUPPLY CORPORATION

CAG–2.
DOCKET# RP97–201–000, NATIONAL FUEL GAS SUPPLY CORPORATION
OTHER#S RP97–201–001, NATIONAL FUEL GAS SUPPLY CORPORATION
RP97–201–002, NATIONAL FUEL GAS SUPPLY CORPORATION

CAG–3.
DOCKET# RP97–259–000, SOUTHERN NATURAL GAS COMPANY

CAG–4.
OMITTED

CAG–5.
DOCKET# RP97–261–000, COLUMBIA GAS TRANSMISSION CORPORATION

CAG–6.
OMITTED

CAG–7.
OMITTED

CAG–8.
DOCKET# RP97–270–000, TEXAS EASTERN TRANSMISSION CORPORATION

CAG–9.
DOCKET# TM97–2–48–000, ANR PIPELINE COMPANY

CAG–10.
DOCKET# TM97–9–29–000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION

CAG–11.
DOCKET# TM97–2–70–000, COLUMBIA GULF TRANSMISSION COMPANY

CAG–12.
DOCKET# RP96–367–003, NORTHWEST PIPELINE CORPORATION
OTHER#S RP96–367–004, NORTHWEST PIPELINE CORPORATION

CAG–13.
DOCKET# RP97–17–003, NORTHERN NATURAL GAS COMPANY

CAG–14.
DOCKET# RP97–18–003, TRANSWESTERN PIPELINE COMPANY

CAG–15.
DOCKET# RP97–21–002, FLORIDA GAS TRANSMISSION COMPANY

CAG–16.
DOCKET# RP97–22–003, NORTHERN BORDER PIPELINE COMPANY

CAG–17.
DOCKET# RP97–249–000, VIKING GAS TRANSMISSION COMPANY

CAG–18.
DOCKET# RP97–268–000, NORTHERN NATURAL GAS COMPANY

CAG–19.
DOCKET# RP97–269–000, WILLISTON BASIN INTERSTATE PIPE LINE COMPANY

CAG–20.
DOCKET# TM97–3–28–000, PANHANDLE EASTERN PIPE LINE COMPANY

CAG–21.
DOCKET# TM97–4–30–000, TRUNKLINE GAS COMPANY

CAG–22.
DOCKET# TM97–4–32–000, COLORADO INTERSTATE GAS COMPANY

CAG–23.
DOCKET# PR96–8–000, PACIFIC GAS AND ELECTRIC COMPANY

CAG–24.
DOCKET# PR96–14–000, BRIDGELINE GAS DISTRIBUTION LLC
OTHER#S PR96–14–001, BRIDGELINE GAS DISTRIBUTION LLC

CAG–25.
DOCKET# RP96–366–004, FLORIDA GAS TRANSMISSION COMPANY

CAG–26.
DOCKET# RP96–45–004, NORTHERN BORDER PIPELINE COMPANY
OTHER#S CP95–194–000, NORTHERN BORDER PIPELINE COMPANY

CAG–27.
OMITTED

CAG–28.
DOCKET# RP96–291–001, MID LOUISIANA GAS COMPANY
OTHER#S RP96–291–002, MID LOUISIANA GAS COMPANY
RP96–291–004, MID LOUISIANA GAS COMPANY
RP96–291–005, MID LOUISIANA GAS COMPANY

CAG–29.
DOCKET# RP96–387–000, WILLIAMS NATURAL GAS COMPANY

CAG–30.
DOCKET# RP97–29–000, PANHANDLE EASTERN PIPE LINE COMPANY

CAG–31.
DOCKET# RP97–81–001, K N INTERSTATE GAS TRANSMISSION COMPANY

CAG–32.
DOCKET# RP97–178–001, KERN RIVER GAS TRANSMISSION COMPANY

CAG–33.
DOCKET# RP97–253–000, NORTHERN BORDER PIPELINE COMPANY

CAG–34.
DOCKET# RP96–302–004, NORTHERN NATURAL GAS COMPANY

CAG–35.
DOCKET# RP96–199–002, MISSISSIPPI RIVER TRANSMISSION CORPORATION

CAG–36.
OMITTED

CAG–37.
DOCKET# RP91–26–014, EL PASO NATURAL GAS COMPANY
OTHER#S RP91–162–005, EL PASO NATURAL GAS COMPANY
RP92–18–007, EL PASO NATURAL GAS COMPANY

CAG–38.
DOCKET# AC97–44–000, MOBILE BAY PIPELINE COMPANY
OTHER#S AC97–44–001, MOBILE BAY PIPELINE COMPANY

CAG–39.
DOCKET# MG96–13–002, K N INTERSTATE GAS TRANSMISSION COMPANY
OTHER#S MG96–13–003, K N INTERSTATE GAS TRANSMISSION COMPANY

MG96–13–004, K N INTERSTATE GAS TRANSMISSION COMPANY
CAG–40.
DOCKET# MG97–8–000, PACIFIC INTERSTATE OFFSHORE COMPANY
CAG–41.
DOCKET# CP96–641–000, ANR PIPELINE COMPANY
CAG–42.
OMITTED
CAG–43.
DOCKET# CP96–589–000, KOCH GATEWAY PIPELINE COMPANY
OTHER#S CP96–585–000, SOUTHERN NATURAL GAS COMPANY
CP96–620–000, KOCH GATEWAY PIPELINE COMPANY
CAG–44.
DOCKET# CP96–758–000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–45.
DOCKET# CP97–71–000, ANR PIPELINE COMPANY
CAG–46.
DOCKET# CP89–629–032, TENNESSEE GAS PIPELINE COMPANY
OTHER#S CP90–639–020, TENNESSEE GAS PIPELINE COMPANY
CAG–47.
DOCKET# CP96–790–000, NAUTILUS PIPELINE COMPANY, L.L.C.
OTHER#S CP96–791–000, NAUTILUS PIPELINE COMPANY, L.L.C.
CP96–792–000, NAUTILUS PIPELINE COMPANY, L.L.C.
CAG–48.
DOCKET# CP97–99–000, WISCONSIN PUBLIC SERVICE CORPORATION
CAG–49.
DOCKET# CP93–253–002, EL PASO NATURAL GAS COMPANY
CAG–50.
DOCKET# TM97–2–37–000, NORTHWEST PIPELINE CORPORATION
CAG–51.
DOCKET# OR95–9–000, COLONIAL PIPELINE COMPANY
CAG–52.
DOCKET# TM97–8–29–000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–53.
DOCKET# CP96–820–000, QUESTAR PIPELINE COMPANY
CAG–54.
DOCKET# CP97–169–000, ALLIANCE PIPELINE L.P.

HYDRO AGENDA

H–1.
RESERVED

ELECTRIC AGENDA

E–1.
DOCKET# ER97–697–000, ALLEGHENY POWER SERVICE CORPORATION AND CLEVELAND ELECTRIC ILLUMINATING COMPANY, ET AL.
ORDER ON THE PROPOSED GENERAL AGREEMENT ON PARALLEL PATHS (GAPP) EXPERIMENT PARTICIPATION AGREEMENT.
E–2.
DOCKET# EC97–5–000, OHIO EDISON COMPANY AND PENNSYLVANIA POWER COMPANY, ET AL.
OTHER#S ER97–412–000, FIRST ENERGY SYSTEM/OHIO EDISON COMPANY
ER97–413–000, OHIO EDISON COMPANY AND PENNSYLVANIA POWER COMPANY, ET AL.
ORDER ON MERGER APPLICATION, OPEN ACCESS TARIFF AND JOINT DISPATCH AGREEMENT.

OIL AND GAS AGENDA

I.
PIPELINE RATE MATTERS
PR–1.
DOCKET# RP97–232–000, AMOCO PRODUCTION COMPANY AND AMOCO ENERGY TRADING COMPANY V. NATURAL GAS PIPELINE COMPANY OF AMERICA
ORDER ON COMPLAINT.
II.
PIPELINE CERTIFICATE MATTERS
PC–1.
RESERVED

Lois D. Cashell,

Secretary.

[FR Doc. 97–7360 Filed 3–19–97; 12:40 pm]
BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5800–5]

Agency Information Collection Activities: Proposed Collections; Comment Request; Information Requirements for Importation of Nonconforming Vehicles; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following proposed and/or continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB): Information Requirements for Importation of Nonconforming Vehicles, OMB Control Number 2060–0095; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines, OMB Control Number 2060–0294. Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before May 20, 1997.

ADDRESSES: Interested persons may obtain a copy of the ICRs without charge by contacting: Vehicle Programs and Compliance Division, 401 M Street, S.W. (6405J), Washington, D.C. 20460, Attn: Imports.

FOR FURTHER INFORMATION CONTACT: Mr. Leonard Lazarus, telephone (202) 233–9240, telefax (202) 233–9596.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action include individuals and businesses (including Independent Commercial Importers) importing on and off-road motor vehicles, motor vehicle engines, or nonroad engines, including nonroad engines incorporated into nonroad equipment or nonroad vehicles.

Title: Information Requirements for Importation of Nonconforming Vehicles, OMB #2060–0095, expiration date 7/31/97; Information Requirements for Importation of Nonconforming Nonroad Small SI Engines, OMB #2060–0294, expiration date 7/31/97.

Abstract: Individuals and businesses importing on and off-road motor vehicles, motor vehicle engines, or nonroad engines, including nonroad engines incorporated into nonroad equipment or nonroad vehicles report and keep records of vehicle importations, request prior approval for vehicle importations, or request final admission for vehicles conditionally imported into the U.S. The collection of this information is mandatory in order to ensure compliance of nonconforming vehicles with Federal emissions requirements. Joint EPA and Customs regulations at 40 CFR 85.1501 *et seq.* and 89.601 *et seq.* and 19 CFR 12.73 and 12.74 promulgated under the authority of Clean Air Act Sections 203 and 208 give authority for the collection of information. This authority was extended to nonroad engines under section 213(d). The information is used by program personnel to ensure that all Federal emission requirements concerning imported nonconforming motor vehicles are met. Any information submitted to the Agency for which a claim of confidentiality is made is safeguarded according to policies set forth in Title 40, Chapter 1, Part 2, Subpart B—Confidentiality of Business Information (see CFR 2), and the public is not permitted access to information containing personal or organizational identifiers. 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 EPA would like to solicit comments to:

(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 0.8 hours per response (OMB #2060–0095), and 0.5 hours per response (OMB #2060–0294) respectively. 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.

OMB #2060–0095

Respondents/Affected entities: Individuals and businesses importing motor vehicles, motor vehicle engines, or large compression-ignition nonroad engines, including those incorporated into nonroad equipment or vehicles.

Estimated Number of Respondents: 11,000.

Frequency of Response: 1.1 responses/year.

Estimated Total Annual Hour Burden: 9,705.

Estimated Total Annualized Costs Burden: $961,130.

OMB #2060–0294

Respondents/Affected entities: Individuals and businesses importing small spark-ignition nonroad engines, including those incorporated into nonroad equipment or vehicles.

Estimated Number of Respondents: 500.

Frequency of Response: 100.4 responses/year.

Estimated Total Annual Hour Burden: 25,100.

Estimated Total Annualized Costs Burden: $1,255,000.

Dated: March 17, 1997.

Richard Wilson,

Acting Assistant Administrator, Office of Air and Radiation.

[FR Doc. 97–7218 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–P

[ER–FRL–5478–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 OR (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed March 10, 1997 Through March 14, 1997 Pursuant to 40 CFR 1506.9.

EIS No. 970083, Final EIS, NOA, WA, Programmatic EIS—Commencement Bay Restoration Plan, Implementation, COE Section 10 and 404 Permits, CZMA and NPDES Applications, Puget Sound, Pierce County, WA, Due: April 21, 1997, Contact: Rolland A. Schmitten (301) 713–2239.

EIS No. 970084, Draft EIS, COE, CA, Morrison Creek Mining Reach Downstream (South) of Jackson Highway, Mining and Reclamation Project, COE Section 404 Permit Issuance, Sacramento County, CA, Due: May 05, 1997, Contact: Larry Vinzant (916) 577–5263.

EIS No. 970085, Final EIS, FHW, SC, Greenville Southern Connectors Construction and Operation, I–185 at I–85 south of Donaldson Center Industrial Air Park to I–385 at US 276 and SC–153 Connector from existing SC–153 at I–85 to the Southern Connector, Funding and COE Section 404 Permit, Anderson and Greenville Counties, SC, Due: April 21, 1997, Contact: Ken Myers (803) 253–3881.

EIS No. 970086, Final EIS, COE, CA, San Gabriel Canyon Sediment Management Plan, Dredging and Disposal of Sediments, COE Section 404 Permit, Special Use Permit and Right-of-Entry Issuance, Angeles National Forest, San Gabriel River, Los Angeles, CA, Due: April 21, 1997, Contact: Arron Allen (213) 452–3413.

EIS No. 970087, Final EIS, FHW, NB, South Locust Street (also known as Old Highway 281) Transportation, Improvements, I–80 to the Grand Island and north of US 34, Funding and COE Section 404 Permit, Hall County, NB, Due: April 21, 1997, Contact: Edward Kosola (402) 437–5521.

EIS No. 970088, Draft EIS, FTA, CA, Caltrain San Francisco Downtown Extension Project, Fourth and Townsend Streets in San Francisco to a proposed terminal at a site of the present Transbay Terminal in Downtown San Francisco, Funding, Approvals and Permits, San Francisco, San Mateo, and Santa Clara Counties, CA, Due: May 12, 1997, Contact: Bob Hom (415) 744–3133.

EIS No. 970089, Final EIS, BLM, CA, Caliente Land and Resource Management Plan, Implementation, Kern, Tulare, King, San Luis, Obispo, Santa Barbara and Ventura Counties, CA, Due: April 21, 1997, Contact: Steven Larson (805) 391–6099.

EIS No. 970090, Draft EIS, USN, NY, Naval Weapons Industrial Reserve Plant Calverton Disposal and Reuse, Implementation, Towns of Riverhead and Brookhaven on Long Island, Suffolk County, NY, Due: May 05, 1997, Contact: Kurt C. Frederick (610) 595–0728.

EIS No. 970091, Final EIS, NPS, PA, Independence National Historical Park, General Management Plan, Implementation, Site Specific, Philadelphia County, PA, Due: April 21, 1997, Contact: Martha B. Aikens (215) 597–7125.

Dated: March 17, 1997.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–7209 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5800–4]

National Drinking Water Advisory Council Occurrence & Contaminant Selection Working Group; Notice of Open Meeting

Under Section 10(a)(2) of Public Law 92–423, ''The Federal Advisory Committee Act,'' notice is hereby given that a meeting of the Occurrence & Contaminant Selection Working Group of the National Drinking Water Advisory Council established under the Safe Drinking Water Act, as amended (42 U.S.C. S300f *et seq.*), will be held on April 3–4, 1997, from 9:00 AM until 4:00 PM (approximate), in the Mount Vernon Room (EPA) of the Sheraton City Center, 1143 New Hampshire Avenue, NW, Washington D.C. 20037.

The meeting is open to the public, but due to past experience, seating will be limited.

The purpose of this meeting is to review the development of the first Drinking Water Candidate List. The meeting is open to the public to observe. The working group members are meeting to analyze relevant issues and facts, and draft proposed position paper for deliberation by the advisory council. Therefore, statements will be taken from the public as time allows.

For more information, please contact, Evelyn Washington, Designated Federal Officer, Occurrence & Contaminant Selection Working Group, U.S. EPA, Office of the Ground Water and Drinking Water (4607), 401 M Street SW, Washington, D.C. 20460. The telephone number is 202–260–3029, fax 202–260–3762, and e-mail address washington.evelyn@epamail.epa.gov.

Dated: March 18, 1997.

Charlene E. Shaw,

Designated Federal Officer, National Drinking Water Advisory Council.

[FR Doc. 97–7220 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections being Reviewed by the Federal Communications Commission

March 17, 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 [insert date 60 days from publication in Federal Register].

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 Approval Number: 3060–0068.

Title: Application for Consent to Assignment of Radio Station Construction Authorization or License (For Stations in Services Other Than Broadcast).

Form No.: FCC 702.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other For-Profit.

Number of Respondents: 1,000.

Estimated Time Per Response: 5 hours.

Total Annual Burden: 5,000 hours.

Needs and Uses: This collection of information is used to request Commission approval of assignment of radio station construction authorization or license.

The form is required by Section 310(d) of the Communications Act; and FCC Rules - 47 CFR Parts 5.55, 21.11, 21.38, 21.39, 23.50, 25.118 and 101.15.

A space for the applicant to provide an Internet address is being added to the form. This will provide an additional option of reaching the applicant should the FCC have any questions concerning the application. In addition, the Commission is required to collect the Taxpayer Identification Number to comply with the Debt Collection Improvement Act of 1996.

OMB Approval Number: 3060–0481.

Title: Application for Renewal of Private Radio Station License.

Form No.: FCC 452R.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals, State or Local Governments, Business or other For-Profit, Non-profit institutions.

Number of Respondents: 2,700.

Estimated Time Per Response: 10 minutes.

Total Annual Burden: 448 hours.

Needs and Uses: Aviation Ground and Marine Coast Radio Station licensees are required to apply for renewal of their radio station authorization every five years.

The form is required by the Communications Act; International Treaties and FCC Rules - 47 CFR Parts 1.926, 80.19 and 87.21.

A space for the applicant to provide an Internet address is being added to the form. This will provide an additional option of reaching the applicant should the FCC have any questions concerning the application. In addition, the Commission is required to collect the Taxpayer Identification Number to comply with the Debt Collection Improvement Act of 1996.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–7178 Filed 3–20–97; 8:45 am]

BILLING CODE 6712–01–F

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:01 a.m. on Monday, March 17, 1997, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider (1) reports of the Office of Inspector General, and (2) matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Vice Chairman Andrew C. Hove, Jr., seconded by Director Joseph H. Neely (Appointive), concurred in by Ms. Julie Williams, acting in the place and stead of Director Eugene A. Ludwig (Comptroller of the Currency), Nicolas P. Retsinas (Director, Office of Thrift Supervision), and Chairman Ricki Helfer, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Dated: March 18, 1997.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 97–7312 Filed 3–19–97; 10:59 am]

BILLING CODE 6714–01–M

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, March 25, 1997, to consider the following matters:

Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Reports of actions taken pursuant to authority delegated by the Board of Directors.

Executive Management Report for year end 1996.

Memorandum and resolution re: Proposed Amendments to Part 361—Formal Minority-and Women-Owned Business and Law Firm Certification Program—Individuals with Disabilities Outreach Program.

Memorandum and resolution re: Final Amendments to Part 303 Regarding Applications and Delegations of Authority.

Memorandum and resolution re: Statement of Policy on Interagency Coordination of Bank Holding Company Inspections and Subsidiary Bank Examinations.

Memorandum and resolution re: Statement of Policy on Applications, Legal Fees, and Other Expenses.

Memorandum and resolution re: Statement of Policy Regarding Eligibility to Make Application to Become an Insured Bank under Section 5 of the Federal Deposit Insurance Act.

Discussion Agenda

Memorandum and resolution re: Statement of Policy Regarding Liability of Commonly Controlled Depository Institutions.

Memorandum and resolution re: Proposed Rule Regarding Deposit Insurance Simplification.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: March 18, 1997.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 97–7313 Filed 3–19–97; 10:59 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 4, 1997.

A. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1413:

1. Old Second Bancorp, Inc., Aurora, Illinois; to acquire 100 percent of the voting shares of Maple Park Bancshares, Inc., Maple Park, Illinois, and thereby indirectly acquire First State Bank of Maple Park, Illinois, Maple Park, Illinois.

In connection with this application, Applicant also has applied to acquire Maple Park Mortgage Company, Maple Park, Illinois, and thereby engage in making loans and extensions of credit, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 17, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–7157 Filed 3–19–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Wednesday, March 26, 1997.

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. Proposals regarding a Federal Reserve Bank's building requirements.

2. Federal Reserve System compensation policy matters.

3. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

4. 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: March 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–7310 Filed 3–19–97; 10:59 am]

BILLING CODE 6210–01–P

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 62 FR 12200, March 14, 1997.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, March 19, 1997.

CHANGES IN THE MEETING: THE OPEN MEETING HAS BEEN CANCELED, AND THE SCHEDULED ITEM WAS HANDLED VIA NOTATION VOTING.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: March 19, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–7379 Filed 3–19–97; 2:53 pm]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 030397 AND 031497

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Michael M. Gray, Rand McNally & Company, Rand McNally Media Services, Inc., Rand McNally Int'l	97–1263	03/03/97
Svedala Industri AB, Habour Group Investments II, L.P., Reedrill Enterprises, Inc	97–1273	03/03/97
NIPSCO Industries, Inc., IWC Resources Corporation, IWC Resources Corporation	97–1277	03/03/97
Land O'Lakes, Inc., Atlantic Dairy Cooperative, Atlantic Dairy Cooperative	97–1281	03/03/97
Anthem Insurance Companies, Inc., Blue Cross & Blue Shield of Connecticut, Inc., Blue Cross & Blue Shield of Connecticut, Inc	97–1284	03/03/97
A. H. Belo Corporation, Walter M. Dear, Gleaner & Journal Publishing Company	97–1285	03/03/97
American Home Products Corporation, Mrs. Susanne Klatten, Byk Gulden Lomberg Chemishe Fabrik GmbH	97–1291	03/03/97
Gannett Co., Inc., Patrick E. Stahel, Printed Media Services, Inc	97–1300	03/03/97
Omnicom Group Inc., Integer Group, L.L.C. (The), Integer Group, L.L.C. (The)	97–1303	03/03/97
Charter Oak Partners, Henkel KGaA (a German company), Henkel Corporation; Henkel Canada Limited	97–1308	03/03/97
Richard W. Muzzy, Jr., Fruehauf Trailer Corporation (Debtor-in-Possession), Fruehauf Trailer Corporation (Debtor-in-Possession)	97–1315	03/03/97
Danaher Corporation, Buffton Corporation, Current Technology, Inc	97–1321	03/03/97
American Radio Systems Corporation, Lorna J. Amaturo, Amaturo Group of Texas, Ltd	97–1324	03/03/97
Hewlett-Packard Company, Symantec Corporation, Symantec Corporation, Networking Business Unit	97–1328	03/03/97
AmeriSource Health Corporation, Walker Drug Company, L.L.C., Walker Drug Company, L.L.C	97–1202	03/04/97
Affiliated Foods Southwest, Inc., Acadia Partners, L.P., Harvest Foods, Inc. (Debtor-in-Possession)	97–1249	03/04/97
Tele-Communications, Inc./Liberty Media Corporation, Liberty Media Corporation/Tele-Communications, Inc., Affiliated Regional Communications (Partnership)	97–1274	03/04/97
Hickory Tech Corporation, Inc., U S West, Inc., U S WEST Communications, Inc	97–1302	03/04/97
National Services Industries, Inc., Enforcer Products, Inc., Enforcer Products, Inc	97–1311	03/04/97
Redland, PLC, David J. Mahar, Frontier Stone, Inc	97–1329	03/04/97
Redland, PLC, Charles J. Loiacano, Frontier Stone, Inc	97–1330	03/04/97
American Radio Systems Corporation, Estate of Willet H. Brown, Deceased, The Brown Organization	97–0103	03/05/97
American Radio Systems Corporation, Hicks, Muse, Tate & Furst Equity Fund II, L.P., Chancellor Radio Broadcasting Company	97–0185	03/05/97
Scott K. Ginsburg, EZ Communications, Inc., Professional Broadcasting, Inc	97–0235	03/05/97
Ford Motor Company, NationsBank Corporation, NationsCredit Financial Services, Inc	97–1175	03/06/97
Ms. Lida Urbanek, KLA Instruments Corporation, KLA Instruments Corporation	97–1226	03/06/97
Ashland, Inc., Howard and Donna Weinstein, Weinstein Chemicals, Inc	97–1235	03/06/97
Samuel J. Heyman, Gordon A. Walker, Hollinee Corporation	97–1237	03/06/97
Morgan Stanley Capital Partners III, L.P., IXC Communications, Inc., IXC Communications, Inc	97–1298	03/06/97
HBO & Company, Amisys Managed Care Systems, Inc., Amisys Managed Care Systems, Inc	97–1299	03/06/97
Marsh & McLennan Companies, Inc., St. Paul Companies, Inc., Minet Inc., Minet Re North America, Inc., Minet	97–1304	03/06/97
Open Market, Inc., Reed Elsevier p.l.c., Folio Corporation	97–1316	03/06/97
MCN Corporation, KCS Energy, Inc., KCS Pipeline Systems, Inc	97–1265	03/07/97
H.F. Ahmanson & Company, Great Western Financial Corporation, Great Western Financial Corporation	97–1289	03/07/97
John J. Farber, David E. Pace, Pace Industries, Inc	97–1287	03/10/97
Dean Witter, Discover & Co., Morgan Stanley Group, Inc., Morgan Stanley Group, Inc	97–1320	03/10/97
Seneca Foods Corporation, Pro-Fac Cooperative, Inc., Curtice-Burns Foods, Inc	97–1332	03/10/97
Apple South, Inc., David L. Mason, Cypress Coast Construction Corporation, Hops Marketing	97–1333	03/10/97
Apple South, Inc., Thomas A. Schelldorf, Cypress Coast Construction Corp., Hops Marketing, Inc	97–1334	03/10/97
Robert Black, Sr., Players International, Inc., Players Nevada, Inc., Players Mesquite Land, Inc	97–1335	03/10/97
Financial Holding Corporation, B.A.T. Industries p.l.c., The Ohio State Life Insurance Company and	97–1337	03/10/97
Lloyd J. Baretz, Electronic Data Systems Corporation, OAN Services, Inc	97–1340	03/10/97
Stephen M. Ross, Starrett Corporation, Starrett Corporation	97–1341	03/10/97
The 1818 Fund II, L.P., CMSI Holding Corp., CMSI Holdings Corp	97–1342	03/10/97

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 030397 AND 031497—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
AMRESCO, INC., Commercial Lending Corporation, Commerical Lending Corporation	97–1344	03/10/97
DEL 1995 Trust, Peter C. Clark, Revocable Trust dtd. July 10, 1991, Amherst Equipment Corporation	97–1346	03/10/97
The DEL 1995 Trust, David B. Clark, Revocable Trust dtd July 10, 1991, Amherst Equipment Corporation	97–1347	03/10/97
Barney J. Cohen, SV Holdings, Inc., Star Video Entertainment, L.P	97–1349	03/10/97
McCown, De Leeuw & Co. II, L.P., Calvin Ingram, AmeriComm Direct Marketing, Inc	97–1352	03/10/97
Baltimore Gas and Electric Company, The Goldman Sachs Group, L.P., Goldman Sachs Power, LLC	97–1356	03/10/97
Silgan Holdings, Inc., Aluminum Company of America, Alcoa Closure Systems International, Inc	97–1357	03/10/97
Ford Motor Co., Texaco, Inc., Texaco Refining and Marketing, Inc	97–1360	03/10/97
A.H. Belo Corporation, Sumner M. Redstone, Viacom Broadcasting of Missouri, Inc	97–1361	03/10/97
Sumner M. Redstone, Gaylord Entertainment Company, Gaylord Broadcasting Company, L.P	97–1363	03/10/97
Regal-Beloit Corporation, The Wilmington Trust Corporation, Marathon Electric Manufacturing Corporation	97–1364	03/10/97
John Hancock Mutual Life Insurance company, James River Corporation of Virginia, James River Timber Corporation	97–1369	03/10/97
Marriot International, Inc., New World Development Company Ltd. (a Hong Kong Corp), Renaissance Hotel Group N.V. (a Netherlands LLC)	97–1370	03/10/97
Centennial HealthCare Corporation, Health Care Capital Consolidated, Inc., Total Care Consolidated, Inc	97–1373	03/10/97
Stephen Adams, Camping World, Inc., Camping World, Inc	97–1377	03/10/97
Northwest Airlines Corporation, Michael J. Brady, Express Airlines, I, Inc	97–1378	03/10/97
Code, Hennessy & Simmons II, L.P., Roger Benton, Commercial Building Components, Inc	97–1383	03/10/97
The Estee Lauder Companies Inc., Torkan Holdings Corporation, ACT Investments (Delaware), Inc., ACT Investments, Inc	97–1385	03/10/97
Harris Corporation, Nasser J. Kazeminy, Quorum Group, Inc	97–1391	03/10/97
Excite, Inc., America Online, Inc., Global Network Navigator, Inc	97–1401	03/10/97
America Online, Inc., Excite, Inc., Excite, Inc	97–1402	03/10/97
Julie N. Brown, United Screw & Bolt Corporation, United Screw & Bolt Corporation	97–1407	03/10/97
Keihin Seiki Mfg. Co., Ltd., Honda Motor Co., Ltd., Denshi Giken, Co., Ltd. and Hadsys Inc	97–1424	03/10/97
The Walt Disney Company, James and Susan Cargill, Cargill Communications, Inc	97–1440	03/10/97
British Telecommunications plc (a British company), General Communication, Inc., General Communication, Inc	97–1245	03/11/97
British Telecommunications plc (a British company), The News Corporation Limited (an Australian company), News Triangle Finance, Inc. & News T Investments, Inc	97–1246	03/11/97
Fresenius Aktiengesellschaft, Neomedica, Inc., Neomedica, Inc	97–1250	03/11/97
Hicks, Muse, Tate & Furst Equity Fund III, L.P., N.L. Bentson, Madison Radio Group	97–1294	03/11/97
Hicks, Muse, Tate & Furst Equity Fund III, L.P., Furman Selz SBIC, L.P., Madison Radio Group	97–1295	03/11/97
Williams Holdings PLC (a British company), Chubb Security PLC (a British company), Chubb Security PLC (a British company)	97–1319	03/11/97
Berjaya Group Berhad, Roasters Corp., Roasters Corp	97–1351	03/11/97
Lincoln National Corporation, Michael E. Dougherty, Dougherty Financial Group, Inc	97–1411	03/11/97
OCM Principal Opportunities Fund, L.P., EMCOR Group, Inc., EMCOR Group, Inc	97–1244	03/12/97
ALZA Corporation, Alkermes, Inc., Alkermes, Inc	97–1301	03/12/97
Ford Motor Company, Aramco Services Company, Star Enterprise	97–1362	03/12/97
Terex Corporation, Simon Engineering, plc, Simon Telelect Inc., and Simon Aerials Inc	97–1406	03/12/97
American Radio Systems Corporation, EZ Communications, Inc., EZ Communications, Inc	97–0221	03/13/97
EZ Communications, Inc., Scott K. Ginsburg, Evergreen Media Corporation of Charlotte, Evergreen	97–0236	03/13/97
American Radio Systems Corporation/ EZ Communications, Scott K. Ginsburg, Evergreen Media Corp. of Charlotte,	97–0244	03/13/97
TPG Partners, L.P., Del Monte Foods Company, Del Monte Foods Company	97–1388	03/13/97
E.I. du Pont de Nemours & Company, First Intercontinental Leasing Trust, TransTexas Transmission Corporation	97–1395	03/13/97
AB Volvo (a Swedish company), Champion Road Machinery Limited (a Canadian company), Champion Road Machinery Limited (a Canadian company)	97–1408	03/13/97
Dr. H.C. Paul Sacher, Hercules Incorporated, Tastemaker Group (Partnership), Hercules Flavor Inc	97–1279	03/14/97
Dr. H.C. Paul; Sacher, Mallinckrodt Inc., Tastemaker Group (Partnership), Fries & Fries Inc	97–1280	03/14/97
Talisman Energy Inc. (a Canadian company), Wascana Energy Inc. (a Canadian company), Wascana Energy Inc. (a Canadian company)	97–1389	03/14/97
Sisters of Charity of Leavenworth Health Services Corp, Sisters of the Presentation of the Blessed Virgin Mary, Holy Rosary Hospital	97–1392	03/14/97
McCown De leeuw & Co. III, L.P., James F. Corman, Telnet Systems, Inc	97–1410	03/14/97
HFS Incorporated, Mitsubishi Motors Corporation, Value Rent-A-Car, Inc	97–1412	03/14/97
Heritage Media Corporation, Louis J. Appell Residuary Trust, Susquehanna Radio Corp. and WGH License Investment Co	97–1416	03/14/97
Louis J. Appell Residuary Trust, Heritage Media Corporation, WVAE–FM, Inc	97–1417	03/14/97
Paul J. Ramsey, Ramsay Health Care, Inc., Ramsay Health Care, Inc	97–1419	03/14/97
MKJ Family Partners, Ltd., Gary T. Baker, Peterbilt of Nashville, Inc., and Great American	97–1427	03/14/97
Madison Dearborn Capital Partners II, L.P., Bahrain International Bank, (EC) (a Bahrain company), Carrols Holding Corporation	97–1430	03/14/97
Madison Dearborn Capital Partners, L.P., Bahrain International Bank, (EC) (a Bahrain company), Carrols Holding Corporation	97–1431	03/14/97
Applebee's International, Inc., Apple Partners Limited Partnership, Apple Partners Limited Partnership	97–1436	03/14/97
Hoechst Aktiengesellschaft, ARIAD Pharmaceuticals, Inc., ARIAD Pharmaceuticals, Inc	97–1443	03/14/97
HWH Capital Partners, L.P., Walls Holding Company Inc., Walls Holding Company Inc	97–1444	03/14/97

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 030397 AND 031497—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Clear Channel Communications, Inc., Hellman and Friedman Capital Partners III, L.P., Eller Media Corporation	97–1445	03/14/97
Trimin Enterprises Inc., CSR Limited (an Australian company), Beadex Holdings, Inc	97–1446	03/14/97
Ugly Duckling Corporation, E–Z Plan, Inc., E–Z Plan, Inc	97–1455	03/14/97
Russell V. Umphenour, Jr., Triarc Companies, Inc., RTM Operating Company and RTM Development Company	97–1479	03/14/97
Regal Cinemas, Inc., Magic Cinemas, L.L.C., Magic Cinemas, L.L.C	97–1482	03/14/97
American Home Products Corporation, Biomatrix Inc., Biomatrix Inc	97–1497	03/14/97
National-Oilwell, Inc., Finmeccanica S.p.A., Ansaldo Ross Hill Inc	97–1499	03/14/97

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, D.C. 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 97–7263 Filed 3–20–97; 8:45 am]

BILLING CODE 6750–01–M

[File No. D–9189]

Detroit Auto Dealers Association, Inc.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would require, among other things, the eleven remaining dealerships in the FTC's case against the Detroit Automobile Dealers Association (DADA) to be bound by the terms and provisions of an existing 1995 Commission order, with certain modifications. The original complaint alleged that DADA and a large number of its member automobile dealers violated federal antitrust laws when they illegally conspired to limit competition in the sale of new cars in the Detroit area by closing dealerships on Saturdays and most week nights.

DATES: Comments must be received on or before May 20, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

William J. Baer, Federal Trade Commission, H–374, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580. (202) 326–2932.

Mark D. Whitener, Federal Trade Commission, H–374, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580. (202) 326–2845.

Ernest A. Nagata, Federal Trade Commission, H–394, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580. (202) 326–2714.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for March 14, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission (''Commission'') has accepted, subject to final approval, an agreement to a proposed consent order from eleven automobile dealerships and nine owners or managers of dealerships in the Detroit, Michigan Area. The parties to the agreement (hereinafter collectively referred to as ''the dealers'') are listed at the end of this document. The proposed order requires the dealers to cease and desist from entering into or carrying out any agreement among themselves or with other dealers to fix the hours of operation of automobile dealerships in the Detroit area.

The proposed consent order will resolve charges against the final group of respondents named in an administrative compliant issued by the Commission in December, 1984, in Detroit Auto Dealers Ass'n, Inc., Dkt. No. 9089. Similar charges against other respondents were resolved through consent orders issued in 1994 after a federal appellate court substantially affirmed the Commission's finding that respondents violated Section 5 of the Federal Trade Commission Act.

The consent order now proposed will modify a previous order that was entered against the present dealers in 1989 and subsequently modified in 1995. Upon further review, the Commission has determined that the previous order should be further modified in light of changes in the market since the entry of the 1994 consent orders. The 1994 orders required the respondent dealers to maintain extended operating hours for a one year period to restore competition that was lost as a result of the dealers' agreement to keep their stores closed on Saturdays and on several week nights. Recent evidence indicates that the market has changed in response to the previous orders, making it unnecessary to continue the same mandatory hours requirement in the order against the present dealers. The proposed consent order therefore suspends the remainder of that requirement.

The proposed consent order has been placed on the public record for 60 days for reception of comments by interested parties. Comments received during this period will become part of the public record. After 60 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

Background

Count I of the administrative complaint charged that the respondents agreed among themselves and with others to limit competition in the sale of new motor vehicles in the Detroit, Michigan area in violation of Section 5 of the Federal Trade Commission Act, by adopting and adhering to a schedule limiting hours of operation for the sale or lease of motor vehicles in the Detroit area. The alleged agreement limited weekday evening hours to Mondays and Thursdays and eliminated Saturday hours altogether, except for occasional special sales.[1]

The dealers defended their agreement in part on grounds that they had acted in response to employee demands for shorter hours and, therefore, that the agreement was exempt from the antitrust laws by reason of the nonstatutory labor exemption. In February, 1989, the Commission held that the dealers' agreement restrained competition, and that the dealers were not entitled to the nonstatutory labor exemption because their uniform hours restrictions were not the result of any collective bargaining activity with employees; on the contrary, the dealers had agreed among themselves in order to avoid collective bargaining. Detroit Auto Dealers Ass'n, Inc. 111 F.T.C. 417 (1989). The Commission's Final Order, among other provisions, prohibited the dealers from conspiring in any way to fix hours of operation. As a corrective measure the Final Order also required the dealers to remain open a minimum of 64 hours a week for one year. The Commission found that ''a cease and desist order alone would be inadequate to remedy the respondents' violations of Section 5.'' Because of the history of violent enforcement of the hours restrictions, the Commission found that ''[d]ealers individually will decide to remain closed for fear of reprisals if they try to extend hours. Only if many dealers are open at the same time, making enforcement of the restriction difficult or impossible, will the fear of being singled out for enforcement be overcome.'' Detroit Auto Dealers Ass'n, Inc., 111 F.T.C. at 506.

The respondents appealed the Commission's decision to the United States Court of Appeals for the Sixth Circuit. On January 31, 1992, the Court of Appeals affirmed the Commission's decision in substantial part and remanded the case to the Commission for the ''limited purpose'' of reconsidering certain issue, including whether certain respondents may be entitled to the nonstatutory labor defense. In re: Detroit Auto Dealers Ass'n Inc., 955 F.2d 457 (6th Cir.), cert. denied, 113 S. Ct. 461 (1992).

The charges against 148 of the respondents were resolved in April and July, 1994, through consent orders substantially similar to the Commission's order of February 22, 1989. Those orders required the dealer respondents to operate their stores for at least a minimum number of hours per week for a one year period.[2]

Twenty-two other respondents, including the present dealers, participated in the remand proceeding. On June 20, 1995, the Commission issued a decision finding that the dealers did not qualify for the nonstatutory labor exemption. 5 Trade Reg. Rep (CCH) ¶23,853 (1995). The Commission's order of June 20, 1995 modified in limited respects the Commission's order of February 22, 1989.

The present dealers again appealed the Commission's order to the United States Court of Appeals for the Sixth Circuit. Following the denial of the dealers' request for a stay of the order by both the Commission and the court, the order went into effect pending appeal. On May 24, 1996, the court once again remanded the case to the Commission. In re: Detroit Auto Dealers Ass'n Inc., 84 F.3d 787 (6th Cir. 1996), rehearing denied, ____ F.3d ____ (6th Cir. Aug. 26, 1996). Without questioning the Commission's finding of liability, the court directed the Commission to consider whether a modification of the Commission's order would be warranted in light of changed factual conditions in the Detroit market. Among other things, the court expressed a belief that most dealers in the Detroit market were now open on Saturdays, which would lessen or eliminate any need to order the dealers to be open that day.

On November 22, 1996, following the court's denial of the Commission's petition for rehearing, the Commission issued an order remanding the case to an Administrative Law Judge for further evidentiary hearings. Shortly thereafter, the parties entered into the present settlement agreement.

The Proposed Order

The terms of the proposed consent order are substantially similar to those of the Commission's Order of February 22, 1989, as modified by Commission's Order of June 20, 1995. The consent order makes three modest changes to those previous orders, which are incorporated in the consent order by reference. The principal difference, set forth in Part I.A of the proposed order, is that the dealers' obligations under Part III of the previous orders, which required them to maintain a minimum number of hours of operation for a period of one year, has been reduced to the time during which the dealers were in compliance with that provision prior to the Sixth Circuit's issuance of a stay on March 13, 1996—approximately six months. While it does not appear to be the case that ''most'' dealers in Detroit are now open on Saturdays as the court stated in its remand decision, it does appear that the Commission's prosecution of this case, together with the remedial provisions of the previous consent orders, has resulted in significant corrective changes in the market. A substantial number of Detroit area dealers are now open on Saturdays. In recognition of this, the settlement relieves respondents of any further affirmative hours obligation.

The two other changes relate to the effective date of the consent order. The Commission's order of June 22, 1995, went into effect pending appeal, and respondents have filed compliance reports certifying that they have been and remain in compliance as if the order remained in effect. To give respondents credit for compliance with the Commission's previous order to date, the effective date of the consent order will be construed to be the effective date of the Order of June 22, 1995. However, the terms and duration of all compliance obligations, other than the Part III affirmative hours provision, remain the same. Part I.B of the consent order specifies the effective date for compliance reporting obligations under Part X of the original order and gives respondents credit for compliance reports filed to date. Part I.C of the consent order sets forth the same effective date for all other order provisions.

The relevant order provisions, as modified, are as follows:

Part I of the Commission's order of February 22, 1989, prohibited the dealers from entering into or continuing any agreement with any other dealer or dealer association in the Detroit area to establish, maintain or adhere to any

[1] Count II of the complaint, charging certain dealers with agreements to restrain advertising, was settled in 1986.

[2] See Detroit Automobile Dealers Ass'n Inc., Proposed Consent Agreement With Analysis to Aid Public Comment, 59 Fed. Reg. 6263 (Feb. 10, 1994); Final Order, 5 Trade Reg. Rep. (CCH) ¶23,532 (Apr. 24, 1994), Proposed Consent Agreement With Analysis to Aid Public Comment, 59 Fed. Reg. 23861 (May 9, 1994); Final Order, 5 Trade Reg. Rep. (CCH) ¶23,587 (July 20, 1994).

hours of operation. This provision is not changed by the proposed consent order.

Part II.A of the Commission's order of February 22, 1989, prohibited the dealers from exchanging information or communicating with any other dealer or association concerning hours of operation, except to the extent necessary (i) to comply with any order of the Commission, and (ii) after two (2) years from the date the order becomes final, to incorporate individual dealers' hours of operation in lawful joint advertisements. Part II.A has two exceptions to the two-year prohibition against the inclusion of individual dealers' hours of operation in joint advertising. First, the prohibition would not apply to individual dealers that are legally operated under common control. Second, the prohibition would not apply to joint advertising for special events such as tent sales, mall sales, or annual sales when hours of operation are extended. These provisions are not changed by the proposed consent order.

Part II.B of the Commission's order of February 22, 1989, prohibited the dealers from requesting, recommending, coercing, influencing, inducing, encouraging or persuading any dealer or dealer association to maintain, adopt or adhere to any hours of operation. This provision is not changed by the proposed consent order.

Part III of the Commission's order of February 22, 1989, as modified by the Commission's Order of June 20, 1995, required the dealers to maintain for a period of one year, a minimum of sixty-four hours of operation per week for the sale and lease of motor vehicles, or alternatively, a minimum of an average of ten and a half hours during weekdays plus an additional eight hours on Saturdays. Under the proposed consent order, the term of this requirement is reduced to the period for which the dealers were in compliance with the requirement pending appeal of the Commission's order of June 20, 1995. Accordingly, under the proposed consent order the dealers will have no further obligations to maintain minimum hours of operation.

Part IV of the Commission's order of February 22, 1989, required the dealers, beginning thirty days after the order became final and for a minimum of four weeks thereafter, to place at least four weekly advertisements in Detroit newspapers explaining that the dealers were required by Commission order to offer extended shopping hours for one year. The dealers fulfilled their obligations under this provision pending appeal of the Commission's June 20, 1995 order. Accordingly, the proposed consent order imposes no further obligations under this provision.

Part V of the Commission's order of February 22, 1989, required the dealers, while Part III of the order was in effect, to disclose their hours of operation in all advertising, with limited exceptions. Since the proposed consent order limits the dealers' obligations under Part III to their compliance to date, the dealers will have no further obligations under Part V.

Parts VI, VII and VIII of the Commission's order of February 22, 1989, applied only to the association respondents. Accordingly, the dealers will have no obligations under these provisions.

Part IX of the Commission's order of February 22, 1989, required the dealers to give a copy of the order to each employee and, for a period of five years, to give a copy to each new employee involved in motor vehicle sales or leasing. This provision is not changed by the proposed consent order.

Part X of the Commission's order of February 22, 1989, required the dealers to file annual compliance reports for a period of five years. The proposed consent order would give the dealers credit for compliance reports filed since the effective date of the Commission's order of June 20, 1995.

Part XI of the Commission's order of February 22, 1989, required the dealers, for a period of five years, to inform the Commission of any change in corporate status that may affect compliance obligations under the order, or, with respect to individual respondents, of any change in employment. This provision is not changed by the proposed consent order.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and the proposed order or to modify in any way their terms.

Parties to the Consent Agreement

Dealer Respondents

Crestwood Dodge, Inc., 32850 Ford Road, Garder City, MI 48135
Bob Borst Lincoln-Mercury, Inc., a/k/a Bob Borst Lincoln-Mercury Sales Inc., 1950 W. Maple Road, Troy, MI 48084
Bob Dusseau, Inc., a/k/a Bob Dusseau Lincoln-Mercury, 31625 Grant River Avenue, Farmington, MI 48024
Bob Maxey Lincoln-Mercury Sales, Inc., 16901 Mack Avenue, Detroit, MI 48224
Crest Lincoln-Mercury Sales, Inc., 36200 Van Dyke Avenue, Sterling Heights, MI 48077
Stewart Chevrolet, Inc., 23755 Allen Road, Woodhaven, MI 48183
Woody Pontiac Sales, Inc., 12140 Joseph Campau, Hamtramck, MI 48212
Jack Demmer Ford, Inc., a/k/a/ Jack Demmer Ford, 37300 Michigan Avenue, Wayne, MI 48184
Al Long Ford, Inc., 13711 E. Eight Mile Road, Warren, MI 48089
Ed Schmid Ford, Inc., 21600 Woodward Avenue, Ferndale, MI 48220
Ray Whitfield Ford, a/k/a/ Ray Whitfield Ford, Inc., 10725 S. Telegraph Road, Taylor, MI 48180

Individual Respondents

Robert C. Borst, c/o Bob Borst Lincoln-Mercury, Inc., 1950 W. Maple Road, Troy, MI 48084
Robert Dusseau, a/k/a/ Robert F. Dusseau, c/o Bob Dusseau Lincoln-Mercury, 31625 Grant River Avenue, Farmington, MI 48024
Robert Maxey, c/o Bob Maxey Lincoln-Mercury Sales Inc., 16901 Mack Avenue, Detroit, MI 48224
William Ritchie, a/k/a/ William R. Ritchie, c/o Crest Lincoln-Mercury Sales, Inc., 36200 Van Dyke Avenue, Sterling Heights, MI 48077
Gordon L. Stewart, a/k/a/ Gordon Stewart, c/o Steward Chevrolet, Inc., 23755 Allen Road, Woodhaven, MI 48183
Woodrow W. Woody, c/o Woody Pontiac Sales, Inc., 12140 Joseph Campau, Hamtramck, MI 48212
John E. Demmer, a/k/a/ Jack E. Demmer, c/o Jack Demmer Ford, Inc., 37300 Michigan Avenue, Wayne, MI 48184
Edward F. Schmid, a/k/a/ Edward Schmid, c/o Ed Schmid Ford, Inc., 21600 Woodward Avenue, Ferndale, MI 48220
Raymond J. Whitfield, a/k/a/ Raymond Whitfield, c/o Ray Whitfield Ford, 10725 S. Telegraph Road, Taylor, MI 48180

Donald S. Clark,

Secretary.

[FR Doc. 97–7261 Filed 3–20–97; 8:45 am]

BILLING CODE 6750–01–M

[File No. 962–3175]

Gerber Products Company; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair or deceptive acts or practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, the baby food company from representing the extent to which doctors or other health

professionals recommend baby and toddler foods or from representing any recommendation or endorsement of these products unless it has competent and reliable evidence that substantiates the claim. Gerber also would be prohibited from misrepresenting any survey or research. The complaint accompanying the consent agreement alleges that Gerber claimed that four out of five pediatricians recommend Gerber baby food, when in fact, the study on which Gerber relied showed that only 12 percent of the pediatricians surveyed recommended Gerber.

DATES: Comments must be received on or before May 20, 1997.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: Anne Maher, Federal Trade Commission, S–4002, 6th St. and Pa. Ave., N.W., Washington, D.C. 20580. (202) 326–2987. Rosemary Rosso, Federal Trade Commission, S–4002, 6th St. and Pa. Ave., NW., Washington, D.C. 20580. (202) 326–2174.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46, and Section 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the accompanying complaint. An electronic copy of the full text of the consent agreement package can be obtained from the Commission Actions section of the FTC Home Page (for March 12, 1997), on the World Wide Web, at ''http://www.ftc.gov/os/actions/htm.'' A paper copy can be obtained from the FTC Public Reference Room, Room H–130, Sixth Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580, either in person or by calling (202) 326–3627. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Gerber Products Company (''Gerber'').

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

The Commission's complaint in this matter charges Gerber with engaging in deceptive practices in connection with the advertising of Gerber baby and toddler foods. The television, radio and print advertisements at issue expressly represented that ''4 out of 5 pediatricians who recommend baby food recommend Gerber.'' According to the complaint, the advertisements falsely represented that competent and reliable studies or surveys supported that claim. The complaint explains that, in the survey relied upon by Gerber, 562 of the surveyed doctors responded to the questions concerning baby food. Of these 562 pediatricians, 408 responded that they recommend baby food to their patients at least once per week. Of the 408 pediatricians who recommend baby food, only 76 recommend specific brands, and 67 of those recommended Gerber. Thus, only 67 of the 408 pediatricians who recommend baby food, or approximately 16 percent, recommend Gerber to their patients.

The complaint also alleges that the advertising at issue made an implied claim that approximately 4 out of 5 pediatricians recommend Gerber. Because this claim is broader than the claim alleged above, the base is 562, the total number of pediatricians surveyed who answered the relevant questions. Of these 562 pediatricians, 67, or approximately 12 percent, recommended Gerber. Therefore, according to the complaint, this claim is unsubstantiated.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent Gerber from engaging in similar acts and practices in the future.

Part I of the order requires Gerber not to make any representation about the extent to which doctors or other health, nutrition, child care, or medical professionals recommend baby or toddler food, or about the recommendation, approval, or endorsement of such products by any health, nutrition, child care, or medical professional, profession, group or other such entity, unless it possesses competent and reliable evidence, which when appropriate must be competent and reliable scientific evidence, that substantiates the representation.

Part II prohibits Gerber, in connection with the manufacturing, labeling, advertising, promotion, offering for sale, sale or distribution of any baby or toddler food, from misrepresenting the existence, contents, validity, results, conclusion or interpretations of any survey, test, study, or research. The order does not prohibit Gerber from making truthful, non-misleading statements about survey results.

Part III provides that representations that would be specifically permitted in food labeling, under regulations issued by the Food and Drug Administration pursuant to the Nutrition Labeling and Education Act of 1990, or by nutrition labeling regulations promulgated by the Department of Agriculture pursuant to the Federal Meat Inspection Act or the Poultry Products Inspection Act, are not prohibited by the order.

Part IV requires Gerber to maintain copies of certain materials relating to advertisements covered by the order and documents relating to substantiation of advertisements covered by the order. Part V requires Gerber to distribute copies of the order to certain current and future officers and employees of the company. Part VI requires Gerber to notify the Commission of any changes in the corporate structure that might affect compliance with the order. Part VII requires Gerber to file with the Commission one or more reports detailing compliance with the order. Part VIII provides that the order will terminate after 20 years under certain circumstances.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,

Secretary.

[FR Doc. 97–7262 Filed 3–20–97; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

[Document Identifier: OIG–10–ICF]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the proposed application of preliminary questions under the Office of Inspector General's (OIG) advisory opinion process in accordance with section 205 of the Health Insurance Portability and Accountability Act of 1996.

DATES: Written comments should be received by May 20, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this collection of information. Comments should refer to the document identifier code OIG–10–IFC, and should be sent to: Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: To request more information on the project or to obtain a copy of the information collection plans and instruments, please contact the OS Reports Clearance Officer, (202) 690–6207.

SUPPLEMENTARY INFORMATION: The Department of Health and Human Services, Office of the Secretary periodically publishes summaries of proposed information collection projects and solicits public comments in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. Interested persons are invited to send comments regarding burden estimates or any aspect of the collection of information, including (1) 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; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information; (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 respondents, including through the use of automated collection techniques or other forms of information technology.

Type of information collection request: OIG Advisory Opinion Procedures in 42

CFR Part 1008 and Preliminary Questions. Section 205 of the Health Insurance Portability and Accountability Act of 1996, Public Law 104–191, requires the Department to provide advisory opinions to the public regarding several categories of subject matter, including the requestor's potential liability under sections 1128, 1128A and 1128B of the Social Security Act (the Act). The Office of Inspector General (OIG) has separately published interim final regulations in the **Federal Register** on February 19, 1997 (62 FR 7350) setting forth the procedures under which members of the public may request advisory opinions from the OIG. That discussion contains a more thorough discussion of the advisory opinion process and the role of these preliminary questions. In order to aid potential requestors and the OIG in providing opinions under this process, the OIG is providing preliminary questions that may be answered in an advisory opinion request. These preliminary questions will be voluntary and will correspond with each sanction provision about which advisory opinions will be rendered. The aggregate information burden for the information collection requirements contained in the interim final rule, in conjunction with the preliminary questions, is set forth below.

Respondents: The ''respondents'' for the collection of information described in the OIG rulemaking will be self-selected individuals and entities that choose to submit request for advisory opinions to the OIG. We anticipate that the respondents will include many types of health care providers, from sole practitioner physicians to large diversified publicly-traded corporations.

Estimated number of respondents: 500. Most individuals and entities that provide medical services that may be paid for by Medicare, Medicaid or Federal health care programs could potentially have questions regarding one of the subject matters about which the OIG will issue advisory opinions. In reality, we believe that the number of requestors will be a small fraction of such providers.

Over the past several years, the Office of the General Counsel, Inspector General Division has answered telephone inquiries from individuals and entities seeking *informal* guidance with respect to the Medicare and State health care programs' anti-kickback statute and other sanction authorities. Many of the inquiries related to authorities outside the scope of the advisory opinion process, such as the self-referral provisions of section 1877 of the Act. In addition, we believe that most of the inquiries received have been of a nature that the caller or requestor would be unlikely to request a formal written advisory opinion on the subject matter. Many inquiries related to rather simple and straight-forward matters that could have been researched by private counsel at relatively minor expense. Nevertheless, the rate of these telephone inquiries form a starting point for estimating point for estimating the potential number of advisory opinion requests.

We estimate that the OIG received an average of six related telephone inquiries per day over the past several years. Using that history as a general guide and benchmark, we estimate an annual number of 500 respondents. Obviously, the actual number of requests could be larger since, for the first time, formal written opinions are available. Conversely, the number of inquiries could be less based on combination of several unquantifiable reasons, including the desire not to have one's arrangement be subject to scrutiny by the OIG (following issuance of the opinion) and the general public.

Estimated number of responses per respondent: One.

Estimated total annual (hour) burden on respondents: 5,000 hours. We believe that the burden of preparing requests for advisory opinions will vary widely depending upon the differences in the size of the entity making the request and the complexity of the advice sought. We estimate that the average burden for each submitted request for an advisory opinion will be in the range of 2 to 40 hours. We further believe that the burden for most requests will be closer to the lower end of this range, with an average burden of approximately 10 hours per respondent.

The OIG is requiring requests for advisory opinions to involve *actual or intended fact scenarios.* We anticipate that most requests will involve business arrangements into which the requesting party intends to enter. Because the facts will relate to business plans, the requesting party will have collected and analyzed all, or almost all, of the information we will need to collect to review the request. Therefore, in order to request an advisory opinion, in many instances the requestor will simply have need to compile already collected information for our examination. In some cases, the requestor may need to

expend a more significant amount of time and cost in preparing a submission related to more complex arrangements that involve a large number of parties or participants.

Estimated annual cost burden on respondents (in addition to the hour burden): $1,000,000. In addition to the hour burden on respondents discussed above, some respondents may incur additional information collection costs related to the purchase of outside professional services, such as attorneys or consultants. We believe that the cost burden related to such outside assistance will vary from zero to 40 hours per request, with an average of 10 hours. At the rate of $200 per hour, this total burden would amount to $1,000,000.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 10, 1997.

Dennis P. Williams,

Deputy Assistant Secretary, Budget.

[FR Doc. 97–7138 Filed 3–20–97; 8:45 am]

BILLING CODE 4150–04–P

Notice of a Cooperative Agreement With the National Association for Equal Opportunity in Higher Education

The Office of Minority Health (OMH), Office of Public Health and Science, announces that it will enter into an umbrella cooperative agreement with The National Association For Equal Opportunity in Higher Education (NAFEO). This cooperative agreement will establish the broad programmatic framework within which specific projects can be funded as they are identified during the project period.

The purpose of this cooperative agreement is to assist the national association in expanding and enhancing its activities relevant to education, health promotion and disease prevention, and family and youth violence prevention with the ultimate goal of improving the health status of minorities and disadvantaged people. The OMH will provide consultation, including administrative and technical assistance as needed, for the execution and evaluation of all aspects of this cooperative agreement. The OMH will also participate and/or collaborate with the awardee in any workshops or symposia to exchange current information, opinions, and research findings.

Authorizing Legislation

This cooperative agreement is authorized under Title XVII, Section 1707(d)(1) of the Public Health Service Act, as amended by Public Law 101–527.

Background

Assistance will be provided only to NAFEO. No other applications are solicited. NAFEO is the only organization capable of administering this cooperative agreement because it has:

1. A well developed infrastructure and communications network to coordinate and implement various health promotion and prevention educational programs within the Historically Black Colleges and Universities (HBCUs) communities and with local community organizations in close proximity to their campuses. It is the only organization of its kind that works exclusively with both public and private, two-aand four-year, and graduate and professional black colleges and universities. Since the presidents of the black colleges and universities represent their institutions in NAFEO, it has a direct linkage that would facilitate the coordination of activities that will benefit all of these institutions.

NAFEO has extensive experience in convening general conferences and specific technical assistance workshops for black colleges and universities. This experience provides a foundation upon which to develop and promote health education related programs aimed at preventing and reducing unnecessary morbidity and mortality rates among African American populations.

2. Established itself and its members as a national association with professionals who serve as leaders and experts in planning, developing, implementing, and promoting educational and policy campaigns (locally and nationally) aimed at reducing adverse health behaviors and improving the African American community's overall educational and social well being.

3. Experience in implementing workshops to assist specific Federal agencies in involving HBCUs in an appropriate and effective manner in their programs, including:

Work with Department of Defense (DOD) to increase participation of HBCUs in DOD funded activities as prime contractors or as subcontractors, or collaborators or partners with industry, major research universities, and small and disadvantaged businesses. This included the conduct of approximately 15 Defense Technical Assistance workshops to increase the participation of HBCUs and other minority institutions in the DOD procurement process.

A series of 20 regional seminars involving the U.S. Agency for International Development (AID) officials and representatives of HBCUs to increase the involvement of HBCUs in U.S. AID development programs.

Workshops for the Air Force Office of Scientific Research (AFOSR) on solving technical problems of development and maintenance of a superior Air Force weapons systems and a safeguard for defense.

4. Developed a base of critical knowledge, skills, and abilities related to HBCU issues including health and social problems. Through the collective efforts of its members, community-based organizations, volunteers, NAFEO has demonstrated (1) the ability to work with academic institutions and health groups on mutual education, research, and health endeavors relating to the goal of health promotion and disease prevention of African Americans; (2) the leadership necessary to attract minority students into public service and health careers; and (3) the leadership needed to assist health care professionals to work more effectively with African American clients and communities.

This cooperative agreement will be awarded in FY 1997 for a 12-month budget period within a project period of 3 years. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Where To Obtain Additional Information

If you are interested in obtaining additional information regarding this project, contact Ms. Georgia Buggs, Office of Minority Health, 5515 Security Lane, Suite 1000, Rockville, Maryland 20852 or telephone (301) 443–5084.

Clay E. Simpson, Jr.,

Deputy Assistant Secretary for Minority Health.

[FR Doc. 97–7116 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–17–M

Agency for Toxic Substances and Disease Registry

[ATSDR–118]

Quarterly Public Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice is a quarterly announcement that contains a list of sites for which ATSDR has completed

public health assessments during the period October-December 1996. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL).

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., DEE, Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, NE., Mailstop E–32, Atlanta, Georgia 30333, telephone (404) 639–0610.

SUPPLEMENTARY INFORMATION: The most recent list of completed public health assessments was published in the **Federal Register** on January 24, 1997, [62 FR 3700]. The quarterly announcement is the responsibility of ATSDR under the regulation Public Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities [42 CFR Part 90]. This rule sets forth ATSDR's procedures for the conduct of public health assessments under section 104(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA) [42 U.S.C. 9604(i)].

Availability

The completed public health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 33, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m. Monday through Friday except legal holidays. The completed public health assessments are also available by mail from the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487–4650. NTIS charges for copies of public health assessments. The NTIS order numbers are listed in parentheses following the site names.

Public Health Assessments Completed or Issued

Between October 1, 1996, and December 31, 1996, public health assessments were issued for the sites listed below:

NPL Sites

Indiana

Bloomington PCB Sites—Bloomington/Spencer—(PB97–116610)
(Multiple Sites Under the Above Health Assessment)
Anderson Road Landfill (Bloomington)
Bennett Stone Quarry (Bloomington)
Lemon Land Landfill (Bloomington)
Neal's Dump (Spencer)
Neal's Landfill (Bloomington)
Winston-Thomas Sewage Treatment Plant (Bloomington)

Kansas

Wright Groundwater Contamination—Wright—(PB97–108146)

Maine

West Site Hows Corners—Plymouth—(PB97–111017)

Ohio

U.S. DOE Portsmouth Gaseous Diffusion Plant—Piketon (PB97–116677)

Iowa

Delavan Muni Well #4—Delavan—(PB97–127187)

Wisconsin

Penta Wood Products Incorporated—Siren—(PB97–111009)

Dated: March 17, 1997.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 97–7174 Filed 3–20–97; 8:45 am]

BILLING CODE 4163–70–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–97–3]

Fiscal Year 1997 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to develop new Family Friends/Volunteer Senior Aides (VSA) projects and, in addition, to provide training and technical assistance to Family Friends/VSA projects, as well as to conduct an evaluation of the Family Friends/VSA program.

SUMMARY: The Administration on Aging announces that it will hold a grant award competition, under this announced priority area, for five (5) to seven (7) new model projects that demonstrate effective ways of planning, developing, and sustaining Family Friends/VSA programs, for a project to provide appropriate training and technical assistance to Friends/VSA projects, and for a project to conduct an evaluation of the Family Friends/VSA program.

The deadline date for the submission of applications is June 6, 1997. For the model project competition, eligible applicants are restricted to public or nonprofit community-level agencies or organizations. In addition, because the primary focus of this priority area is on the establishment of new model Family Friends/VSA projects in communities other than those which have already been program sites, those agencies or organizations that have carried out Family Friends/VSA projects are not eligible for this competition. No applicant eligibility restrictions, other than public or nonprofit status, apply to the training/technical assistance and program evaluation competitions.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Program Development, 330 Independence Avenue SW., Room 4274, Washington, DC 20201, or by calling 202/619–1269.

Dated: March 18, 1997.

Robyn I. Stone,

Acting Assistant Secretary for Aging.

[FR Doc. 97–7191 Filed 3–20–97; 8:45 am]

BILLING CODE 4150–40–P

Administration for Children and Families

[Program Announcement No. OCS 97–08]

Request for Applications Under the Office of Community Services' Fiscal Year 1997 Community Food and Nutrition Program

AGENCY: Office of Community Services, ACF, DHHS.

ACTION: Request for applications under the Office of Community Services' Community Food and Nutrition Program.

SUMMARY: The Office of Community Services (OCS) announces that competing applications will be accepted for new grants pursuant to the Secretary's discretionary authority under Section 681A of the Community Services Block Grant Act of 1981, as amended. This Program Announcement contains forms and instructions for submitting an application. The awarding of grants under this Program Announcement is subject to the availability of funds for support of these activities.

CLOSING DATE AND TIME: The closing date and time for receipt of applications is May 20, 1997 at 4:30 p.m., eastern time zone. Applications received after

4:30 p.m. on that day will be classified as late.

Deadline: Mailed applications shall be considered as meeting an announced deadline if they are received on or before the deadline date and time at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447, Attention: Application for Community Food and Nutrition Program. Applicants are responsible for mailing applications well in advance, when using all mail services, to ensure that the applications are received on or before the deadline date and time.

Applications handcarried by applicants, applicant couriers, or by overnight/express mail couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date, between the hours of 8:00 a.m. and 4:30 p.m., at the U.S. Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, ACF Mailroom, 2nd Floor Loading Dock, Aerospace Center, 901 D Street, S.W., Washington, D.C. 20024, between Monday and Friday (excluding Federal holidays). (Applicants are cautioned that express/overnight mail services do not always deliver as agreed.)

ACF cannot accommodate transmission of applications by fax or through other electronic media. Therefore, applications transmitted to ACF electronically will not be accepted regardless of date or time of submission and time of receipt.

Late applications: Applications which do not meet the criteria above are considered late applications. ACF shall notify each late applicant that its application will not be considered in the current competition.

Extension of deadlines: ACF may extend the deadline for all applicants because of acts of God such as floods, hurricanes, etc., or when there is widespread disruption of the mails. However, if ACF does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicants.

FOR FURTHER INFORMATION CONTACT: Joseph Carroll, Acting Director, Administration for Children and Families, Office of Community Services, 370 L'Enfant Promenade, S.W., Washington, DC 20447, (202) 401–9345, fax (202) 401–4687.

Table of Contents

Part A—Preamble

1. Legislative Authority

The Community Services Block Grant Act, as amended, authorizes the Secretary of Health and Human Services to make funds available under several programs to support program activities which will result in direct benefits targeted to low-income people. This Program Announcement covers the grant authority found at Section 681A, Community Food and Nutrition, which authorizes the Secretary to make funds available for grants to be awarded on a competitive basis to eligible entities for local and statewide programs (1) to coordinate existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income communities; (2) to assist low-income communities to identify potential sponsors of child nutrition programs and to initiate new programs in underserved or unserved areas; and (3) to develop innovative approaches at the State and local levels to meet the nutrition needs of low-income people.

2. Definitions of Terms

For purposes of this Program Announcement the following definitions apply:

—*Budget Period:* The term ''budget period'' refers to the interval of time into which a grant period of assistance (project period) is divided for budgetary and funding purposes.

—*Displaced worker:* An individual who is in the labor market but has been unemployed for six months or longer.

—*Eligible Entity:* States and other public and private non-profit agencies/organizations including Community Action Agencies. (See Part B–1)

—*Indian tribe:* A tribe, band, or other organized group of Native American Indians recognized in the State or States in which it resides or considered by the Secretary of the Interior to be an Indian tribe or an Indian organization for any purpose.

—*Innovative project:* One that departs from or significantly modifies past program practices and tests a new approach.

—*Migrant Farmworker:* An individual who works in agricultural employment of a seasonal or other temporary nature who is required to be absent from his/her place of permanent residence in order to secure such employment.

—*Project Period:* The term ''project period'' refers to the total time for which a project is approved for support, including any approved extensions.

—*Seasonal farmworker:* Any individual employed in agricultural work of a seasonal or other temporary nature who is able to remain at his/her place of permanent residence while employed.

—*Self-Sufficiency:* A condition where an individual or family does not need and is not eligible for public assistance.

—*Underserved area (as it pertains to child nutrition programs):* A locality in which less than one-half of the low-income children eligible for assistance participate in any child nutrition program.

3. Purpose of Community Food and Nutrition Program

The Department of Health and Human Services (DHHS) is committed to improving the overall health and nutritional well-being of individuals through improved preventive health care and promotion of personal responsibility. The DHHS encourages the approach to health promotion and nutritional responsibility with personal messages aimed at families and

communities, in various settings and environments in which individuals and groups can most effectively be reached.

The DHHS is specifically interested in improving the health and nutrition status of low-income persons through improved access to healthy nutritious foods or by other means. DHHS encourages community efforts to improve the coordination and integration of health and social services for all low-income families, and to identify opportunities for collaborating with other programs and services for this population. Such collaboration can increase a community's capacity to leverage resources and promote an integrated approach to health and nutrition through existing programs and services.

4. Project Requirements

Projects funded under this program should:

(a) Be designed and intended to provide nutrition benefits, including those which incorporate the benefits of disease prevention, to a targeted low-income group of people;

(b) Provide outreach and public education to inform eligible low-income individuals and families of other nutritional services available to them under the various Federally assisted programs;

(c) Carry out targeted communications/social marketing to improve dietary behavior and increase program participation among eligible low-income populations. Populations to be targeted can include displaced workers, elderly people, children, and the working poor.

(d) Consult with and/or inform local offices that administer other food programs such as W.I.C. and Food Stamps, where applicable, to ensure effective coordination which can jointly target services to increase their effectiveness. Such consultation may include involving these offices in the planning of grant applications.

(e) Focus on one or more legislatively mandated program activities: (1) Coordination of existing private and public food assistance resources, whenever such coordination is determined to be inadequate, to better serve low-income populations; (2) assistance to low-income communities in identifying potential sponsors of child nutrition programs and initiating new programs in unserved or underserved areas; and (3) development of innovative approaches at the state or local levels to meet the nutrition needs of low-income people.

OCS views this program as a capacity building program, rather than as a service delivery program.

Part B—Application Requirements

1. Eligible Applicants

Eligible applicants are States and public and private non-profit agencies/organizations with a demonstrated ability to successfully develop and implement programs and activities similar to those enumerated above. OCS encourages Historically Black Colleges and Universities and minority institutions to submit applications. Eligible applicants with programs benefitting Native Americans and Migrant Farmworkers are also encouraged to submit applications.

Any non-profit organization submitting an application must submit proof of its non-profit status in its application at the time of submission. The non-profit agency can accomplish this by providing a copy of the applicant's listing in the Internal Revenue Services's (IRS) most recent list of tax-exempt organizations described in Section 501(c)(3) of the IRS tax code or by providing a copy of the currently valid IRS tax exemption certificate or by providing a copy of the applicant's Articles of Incorporation bearing the seal of the State in which the corporation or association is domiciled.

2. Availability of Funds and Grant Amounts

a. Fiscal Year 1997 Funding

The funds expected to be available for grant awards under the CFN Program in fiscal year 1997 are $1,600,000 for General Projects.

b. Grant Amounts

No individual grant application will be considered for an amount which is in excess of $50,000.

c. Mobilization of Resources

OCS would like to mobilize as many resources as possible to enhance projects funded under this program. OCS supports and encourages applications submitted by applicants whose programs will leverage other resources, either cash or third-party in-kind.

3. Project Periods and Budget Periods

For most projects OCS will grant funds for one year. However, in rare instances, depending on the characteristics of any individual project and on the justification presented by the applicant in its application, a grant may be made for a period of up to 17 months.

4. Administrative Costs/Indirect Costs

There is no administrative cost limitation for projects funded under this program. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable. Applicants should enclose a copy of the current approved rate agreement. However, it should be understood that indirect costs are part of, and not in addition to, the amount of funds awarded in the subject grant.

5. Program Beneficiaries

Projects proposed for funding under this Announcement must result in direct benefits targeted toward low-income people as defined in the most recent Annual Update of Poverty Income Guidelines published by DHHS. Attachment A to this Announcement is an excerpt from the most recently published guidelines. Annual revisions of these guidelines are normally published in the **Federal Register** in February or early March of each year and are applicable to projects being implemented at the time of publication. Grantees will be required to apply the most recent guidelines throughout the project period. The **Federal Register** may be obtained from public libraries, Congressional offices, or by writing the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The **Federal Register** is also available on the Internet through GPO Access at the following web address: http://www.access.gpo.gov/su__docs/aces/aces140.html

No other government agency or privately defined poverty guidelines are applicable to the determination of low-income eligibility for this OCS program.

6. Number of Projects in Application

An application may contain only one project and this project must address the basic criteria found in Parts C and D. Applications which are not in compliance with these requirements will be ineligible for funding.

7. Multiple Submittal

There is no limit to the number of applications that can be submitted as long as each application is for a different project. However, no applicant can receive more than one grant.

8. Sub-Contracting or Delegating Projects

OCS will not fund any project where the role of the eligible applicant is primarily to serve as a conduit for funds to other organizations.

Part C—Program Area

General Projects

The application should include a description of the target area and population to be served as well as a discussion of the nature and extent of the problem to be solved. The application must contain a detailed and specific work program that is both sound and feasible. Projects funded under this Announcement must produce permanent and measurable results that fulfill the purposes of this program as described above. The OCS grant funds, in combination with private and/or other public resources, must be targeted to low-income individuals and communities.

Applicants will certify in their submission that projects will only serve the low-income population as stipulated in the DHHS Poverty Income Guidelines (Attachment A). Failure to comply with the income guidelines may result in the application being ineligible for consideration for funding.

If an applicant is proposing a project which will affect a property listed in or eligible for inclusion in the National Register of Historic Places, it must identify this property in the narrative and explain how it has complied with the provisions of Section 106 of the National Historic Preservation Act of 1966 as amended. If there is any question as to whether the property is listed in or eligible for inclusion in the National Register of Historic Places, applicant should consult with the State Historic Preservation Officer. The applicant should contact OCS early in the development of its application for instructions regarding compliance with the Act and data required to be submitted to DHHS.

In the case of projects proposed for funding which mobilize or improve the coordination of existing public and private food assistance resources, the guidelines governing those resources apply. However, in the case of projects providing direct assistance to beneficiaries through grants funded under this program, beneficiaries must fall within the official DHHS Poverty Income Guidelines as set forth in Attachment A.

Applications which propose the use of grant funds for the development of any printed or visual materials must contain convincing evidence that these materials are not available from other sources. OCS will not provide funding for such items if justification is not sufficient. Approval of any films or visual presentations proposed by applicants approved for funding will be made part of the grant award. In cases where material outlays for equipment (audio and visual) are requested, specific evidence must be presented that there is a definite programmatic connection between the equipment (audio and visual) usage and the outreach requirements described in Part A–3 of this Announcement.

OCS is also interested in projects that address the needs of homeless families and welcomes applications which seek to develop innovative approaches to promote health, and nutritional awareness among low-income populations.

Part D—Review Criteria

Applications which pass the initial screening and pre-rating review (See Part F, Section 5) will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and weaknesses under each applicable Criterion published in the Announcement.

The in-depth evaluation and review process will use the following criteria coupled with the specific requirements as described in Part F.

When writing their Project Narrative applicants should respond to the review criteria using the same sequential order.

Note: The following review criteria reiterate the information requirements contained in Part B of this Announcement.

Criteria for Review and Evaluation of Applications Submitted Under This Program Announcement

Criterion I

Analysis of Needs/Priorities (Maximum: 10 Points)

(a) Target area and population to be served are adequately described (0–4 Points).

In addressing the above Criterion, the applicant should include a description of the target area and population to be served including specific details on any minority population(s) to be served.

(b) Nature and extent of problem(s) and/or need(s) to be addressed are adequately described and documented (0–6 Points).

In addressing the above Criterion, the applicant should include a discussion of the nature and extent of the problem(s) and/or need(s), including specific information on minority populations(s).

Criterion II

Adequacy of Work Program (Maximum: 25 Points)

(a) Realistic quarterly time targets are set forth by which the various work tasks will be completed (0–10 Points).

(b) Activities are adequately described and appear reasonably likely to achieve results which will have a desired impact on the identified problems and/or needs (0–15 Points).

In addressing the above Criterion, the applicant should address the basic criteria and legislatively-mandated activities found in Part A–4 and should include:

1. Project priorities and rationale for selecting them which relate to the specific nutritional problem(s) and/or need(s) of the target population which were identified under Criterion I;

2. Goals and objectives which speak to the(se) problem(s) and/or need(s); and

3. Project activities which if successfully carried out can be reasonably expected to result in the achievement of these goals and objectives.

Criterion III

Significant and Beneficial Impact (Maximum: 30 Points)

(a) Applicant proposes to significantly improve or increase nutrition services to low-income people and such improvements or increases are quantified (0–15 Points).

(b) Project incorporates promotional health and social services activities for low-income people, along with nutritional services (0–5 Points).

(c) Project will significantly leverage or mobilize other community resources and such resources are detailed and quantified (0–5 Points).

(d) Project addresses problem(s) which can be resolved by one-time OCS funding or demonstrates that non-Federal funding is available to continue the project without Federal support (0–5 Points).

In addressing the above Criterion, the applicant *must include* quantitative data for Items (a), (b), and (c), and discuss how the beneficial impact relates to the relevant legislatively-mandated program activities identified in Part A–1 and the problems and/or needs described under Criterion I.

Criterion IV

Coordination/Services Integration (Maximum: 15 Points)

(a) Project shows evidence of coordinated community-based planning in its development, including strategies in the Work Program to carry on

activities in collaboration with other locally funded Federal programs (such as DHHS health and social services and USDA Food and Consumer Service programs) in ways that will eliminate duplication and will, for example, (1) unite funding streams at the local level to increase program outreach and effectiveness, (2) facilitate access to other needed social services by coordinating and simplifying intake and eligibility certification processes for clients, or (3) bring project participants into direct interaction with holistic family development resources in the community where needed. (0–10 Points).

(b) Community Empowerment Consideration—Special consideration will be given to applicants who are located in areas which are characterized by poverty and other indicators of socio-economic distress such as a poverty rate of at least 20 percent, designation as an Empowerment Zone or Enterprise Community, high levels of unemployment, and high levels of incidences of violence, gang activity, crime, or drug use. Applicants should document that they were involved in the preparation and planned implementation of a comprehensive community-based strategic plan to achieve both economic and human development in an integrated manner. (0–5 Points).

If the applicant is receiving funds from the State for community food and nutrition activities, the applicant should address how the funds are being utilized, and how they will be coordinated with the proposed project to maximize the effectiveness of both. If State funds are being used in the project for which OCS funds are being requested, their usage should be specifically described.

Criterion V

Organization Experience in Program Area and Staff Responsibilities (Maximum 15 Points)

(a) Organizational experiences in program area (0–5 Points).

Documentation provided indicates that projects previously undertaken have been relevant and effective and have provided permanent benefits to the low-income population. Organizations which propose providing training and technical assistance have detailed competence in the program area and as a deliverer with expertise in the fields of training and technical assistance. If applicable, information provided by these applicants also addresses related achievements and competence of each cooperating or sponsoring organization.

(b) Management History (0–5 Points).

Applicants must demonstrate their ability to implement sound and effective management practices and if they have been recipients of other Federal or other governmental grants, they must also document that they have consistently complied with financial and program progress reporting and audit requirements. Such documentation may be in the form of references to any available audit or progress reports and should be accompanied by a statement by a Certified or Licensed Public Accountant as to the sufficiency of the applicant's financial management system to protect adequately any Federal funds awarded under the application submitted.

(c) Staffing Skills, Resources and Responsibilities (0–5 Points).

The application adequately describes the experience and skills of the proposed project director showing that the individual is not only well qualified, but that his/her professional capabilities are relevant to the successful implementation of the project. If the key staff person has not yet been identified, the application contains a comprehensive position description which indicates that the responsibilities to be assigned to the project director are relevant to the successful implementation of the project. The application must indicate that the applicant has adequate facilities and resources (i.e. space and equipment) to successfully carry out the work plan.

In addressing the above Criterion, the applicant *must clearly show* that sufficient time of the Project Director and other senior staff will be budgeted to assure timely implementation and oversight of the project and that the assigned responsibilities of the staff are appropriate to the tasks identified for the project.

Criterion VI

Adequacy of Budget (Maximum: 5 Points)

The budget is adequate and administrative costs are appropriate in relation to the services proposed. (0–5 Points)

Part E—Instructions for Completing Application Package

The standard forms attached to this Announcement shall be used when submitting applications for all funds under this Announcement. It is recommended that you reproduce single-sided copies of the SF–424, SF–424A and SF–424B, and type your application on the copies. Please prepare your application in accordance with instructions provided on the forms as well as with the OCS specific instructions set forth below:

1. SF–424—Application for Federal Assistance (Attachment B–1)

Item 1. *Type of Submission*—For the purposes of this Announcement, all projects are considered *Applications*; there are no *Pre-Applications.*

Item 2. *Date Submitted* and *Applicant Identifier*—Enter the date the application is submitted to the Administration for Children and Families (ACF) and the applicant's internal control number, if applicable.

Item 3. *Date Received by State*—N/A.

Item 4. *Date Received by Federal Agency*—Leave blank.

Items 5. & 6. *Applicant Information* & *Employer Identification Number*—The legal name of the applicant must match that listed as corresponding to the Employer Identification Number. Where the applicant is a previous DHHS grantee, enter the Central Registry System/Employee Identification Number (CRS/EIN) and the Payment Identifying Number (PIN), if one has been assigned, in the Block entitled *Federal Identifier* located at the top right hand corner of the form.

Item 7. *Type of Applicant*—If the applicant is a non-profit corporation, enter the letter ''N'' in the box and specify non-profit corporation in the space marked ''Other''. Proof of non-profit status, such as IRS certification, Articles of Incorporation, or By-laws, must be included as an appendix to the project narrative.

Item 8. *Type of Application*—Check ''New''.

Item 9. *Name of Federal Agency*—Enter ''DHHS–ACF/OCS''.

Item 10. *The Catalog of Federal Domestic Assistance (CFDA) Number*—The CFDA number for the OCS program covered under this Announcement is 93.571. The title is ''Community Services Block Grant Discretionary Awards—Community Food and Nutrition Program''.

Item 11. *Descriptive Title of Project*—Enter a brief descriptive title of the project.

Item 12. *Areas Affected by Project*—List only the largest unit or units affected, such as State, county or city.

Item 13. *Proposed Project Dates*—Show 12-month project period. (See Part B–3) In addition, the project period start date must be on or before September 30, 1997.

Item 14. *Congressional District of Applicant/Project*—Enter the number(s) of the Congressional District where the applicant's principal office is located and the number(s) of the Congressional

District(s) where the project will be located.

Item 15. *Estimated Funding*—(15a.) Show the total amount requested for the entire project period; (15b. thru 15e.) For each line item, show both cash and third-party in-kind contributions for the total project period; (15f.) Show the estimated amount of program income for the total project period; (15g.) Enter the sum of all the lines.

2. SF–424A—Budget Information—Non-Construction Programs (Attachment B–2)

See the Instructions accompanying the Attachment as well as the Instructions set forth below.

In completing these sections, the *Federal Funds* budget entries will relate to the requested OCS Community Food and Nutrition Program funds only, and *Non-Federal* will include mobilized funds from all other sources—applicants, State, and other. Federal funds other than those requested from the Community Food and Nutrition Program should be included in *Non-Federal* entries.

Sections A and D of SF–424A must contain entries for both Federal (OCS) and non-Federal (mobilized) funds.

Section A—Budget Summary

Lines 1–4

Column (a) Line 1—Enter OCS CFN Program.

Column (b) Line 1—Enter 93.571.

Columns (c) and (d)—Not Applicable.

Columns (e), (f) and (g)—For lines 1 through 4, enter in appropriate amounts needed to support the project for the entire project period.

Line 5

Enter the figures from Line 1 for all columns completed, (e), (f), and (g).

Section B—Budget Categories

This section should contain entries for OCS funds only. For all projects, the first budget period of 12 months will be entered in Column (1).

Allocability of costs is governed by applicable cost principles set forth in the *Code of Federal Regulations (CFR)*, Title 45, Parts 74 and 92.

Budget estimates for administrative costs must be supported by adequate detail for the grants officer to perform a cost analysis and review. Adequately detailed calculations for each budget object class are those which reflect estimation methods, quantities, unit costs, salaries, and other similar quantitative detail sufficient for the calculation to be duplicated. For any additional object class categories included under the object class *other*, identify the additional object class(es) and provide supporting calculations.

Supporting narratives and justifications are required for each budget category, with emphasis on unique/special initiatives; large dollar amounts; local, regional, or other travel; new positions; major equipment purchases; and training programs.

A detailed itemized budget with a separate budget justification for each major item should be included as indicated below:

Line 6a

Personnel—Enter the total costs of salaries and wages.

Justification—Identify the project director. Specify by title or name the percentage of time allocated to the project, the individual annual salaries and the cost to the project (both Federal and non-Federal) of the organization's staff who will be working on the project.

Line 6b

Fringe Benefits—Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate which is entered on Line 6j.

Justification—Enter the total costs of fringe benefits, unless treated as part of an approved indirect cost rate.

Line 6c

Travel—Enter total cost of all travel by employees of the project. Do not enter costs for consultant's travel.

Justification—Include the name(s) of traveler(s), total number of trips, destinations, length of stay, mileage rate, transportation costs and subsistence allowances.

Line 6d

Equipment—Enter the total costs of all equipment to be acquired by the project. *Equipment* means an article of nonexpendable, tangible personal property having a useful life of more than one year and an acquisition cost which equals or exceeds the lesser of (a) the capitalization level established by the organization for financial statement purposes, or (b) $5,000.

[**Note:** If an applicant's current rate agreement was based on another definition for equipment, such as ''tangible personal property $500 or more'', the applicant shall use the definition used by the cognizant agency in determining the rate(s). However, consistent with the applicant's equipment policy, lower limits may be set.]

Justification—Equipment to be purchased with Federal funds must be required to conduct the project, and the applicant organization or its subgrantees must not already have the equipment or a reasonable facsimile available to the project.

Line 6e

Supplies—Enter the total costs of all tangible personal property (surplus) other than that included on line 6d.

Line 6f

Contractual—Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and (2) contracts with secondary recipient organizations including delegate agencies and specific project(s) or businesses to be financed by the applicant.

Justification—Attach a list of contractors, indicating the names of the organizations, the purposes of the contracts, the estimated dollar amounts, and selection process of the awards as part of the budget justification. Also provide back-up documentation identifying the name of contractor, purpose of contract, and major cost elements.

Note: Whenever the applicant/grantee intends to delegate part of the program to another agency, the applicant/grantee must submit Sections A and B of this Form SF–424A, completed for each delegate agency by agency title, along with the required supporting information referenced in the applicable instructions. The total costs of all such agencies will be part of the amount shown on Line 6f. Provide draft Request for Proposal in accordance with 45 CFR Part 74, Appendix A. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.

Line 6g

Construction—Not applicable.

Line 6h

Other—Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, food, medical and dental costs (non-contractual), fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use training costs including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6j

Indirect Charges—Enter the total amount of indirect costs. This line should be used only when the applicant currently has an indirect cost rate approved by DHHS or other Federal agencies.

If the applicant organization is in the process of initially developing or

renegotiating a rate, it should, immediately upon notification that an award will be made, develop a tentative indirect cost rate proposal based on its most recently completed fiscal year in accordance with the principles set forth in the pertinent *DHHS Guide for Establishing Indirect Cost Rates* and submit it to the appropriate DHHS Regional Office. It should be noted that when an indirect cost rate is requested, those costs included in the indirect cost pool cannot be also budgeted or charged as direct costs to the grant. Indirect costs consistent with approved Indirect Cost Rate Agreements are allowable.

Line 6k

Totals—Enter the total amount of Lines 6i and 6j.

Line 7

Program Income—Enter the estimated amount of income, if any, expected to be generated from this project. Separately show expected program income generated from OCS support and income generated from other mobilized funds. Do not add or subtract this amount from the budget total. Show the nature and source of income in the program narrative statement.

Justification—Describe the nature, source and anticipated use of program income in the Program Narrative Statement.

Section C—Non-Federal Resources

This section is to record the amounts of *Non-Federal* resources that will be used to support the project. *Non-Federal* resources mean other than OCS funds for which the applicant has received a commitment. Provide a brief explanation, on a separate sheet, showing the type of contribution, broken out by Object Class Category, (See SF–424A, Section B.6) and whether it is cash or third-party in-kind. The firm commitment of these required funds must be documented and submitted with the application in order to be given credit in the Criterion.

Except in unusual situations, this documentation must be in the form of letters of commitment or letters of intent from the organization(s)/individuals from which funds will be received.

Line 8

Column (a)—Enter the project title.

Column (b)—Enter the amount of cash or donations to be made by the applicant.

Column (c)—Enter the State contribution.

Column (d)—Enter the amount of cash and third party in-kind contributions to be made from all other sources.

Column (e)—Enter the total of columns (b), (c), and (d).

Lines 9, 10 and 11

Leave Blank.

Line 12

Carry the total of each column of Line 8, (b) through (e). The amount in Column (e) should be equal to the amount on Section A, Line 5, Column (f).

Justification—Describe third party in-kind contributions, if included.

Section D—Forecasted Cash Needs

Line 13

Federal—Enter the amount of Federal (OCS) cash needed for this grant, by quarter, during the 12 month budget period.

Line 14

Non-Federal—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15

Totals—Enter the total of Lines 13 and 14.

Section F—Other Budget Information

Line 21

Direct Charges—Include narrative justification required under Section B for each object class category for the total project period.

Line 22

Indirect Charges—Enter the type of DHHS or other Federal agency approved indirect cost rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied and the total indirect expense. Also, enter the date the rate was approved, where applicable. Attach a copy of the approved rate agreement.

Line 23

Provide any other explanations and continuation sheets required or deemed necessary to justify or explain the budget information.

3. SF–424B—Assurances Non-Construction Programs (Attachment B–3)

All applicants must sign and return the ''Assurances'' with the application.

4. Project Narrative

Each narrative should include the following major sections:

a. Analysis of Need.

b. Project Design (Work Program).

c. Organizational Experience in the Program Area.

d. Management History.

e. Staffing and Resources.

f. Staff Responsibilities.

The project narrative must address the specific purposes mentioned in Part A of this Program Announcement. The narrative should provide information on how the application meets the evaluation criteria in Part D of this Program Announcement.

Part F—Application Procedures

1. Availability of Forms

Applications for awards under this OCS program must be submitted on Standard Forms (SF) 424, 424A, and 424B. Part E and the Attachments to this Program Announcement contain all the instructions and forms required for submittal of applications. The forms may be reproduced for use in submitting applications.

A copy of the **Federal Register** containing this Announcement is available for reproduction at most local libraries and Congressional District Offices. It is also available on the Internet through *GPO Access* at the following web address: http://www.access.gpo.gov/su__docs/aces/aces140.html If this Program Announcement is not available at these sources it may be obtained by telephoning the office listed in the section entitled **FOR FURTHER INFORMATION CONTACT** at the beginning of this Announcement.

The information requested under this Program Announcement is covered under the following OMB information collection clearances: SF–424 (No. 0348–0043), SF–424A (No. 0348–0044), SF–424B (No. 0348–0040), and other requirements for OCS applications (No. 0970–0062).

2. Application Submission

Applications, once submitted, are considered final and no additional materials will be accepted.

Applicants *must* submit one signed original application and four copies.

3. Intergovernmental Review

This program is covered under Executive Order 12372, ''Intergovernmental Review of Federal Programs,'' and 45 CFR Part 100, ''Intergovernmental Review of Department of Health and Human Services Program and Activities.'' Under the Order, States may design their own processes for reviewing and commenting on proposed Federal assistance under covered programs.

As of September, 1996, the following jurisdictions have elected not to

participate in the Executive Order process. Applicants from these jurisdictions or for projects administered by Federally-recognized Indian Tribes need take no action in regard to E.O. 12372:

Alabama
Alaska
Colorado
Connecticut
Hawaii
Idaho
Kansas
Louisiana
Massachusetts
Minnesota
Montana
Nebraska
New Jersey
Oklahoma
Oregon
Pennsylvania
South Dakota
Tennessee
Vermont
Virginia
Washington
American Samoa
Palau

All remaining jurisdictions participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from participating jurisdictions should contact their SPOCs as soon as possible to alert them of the prospective applications and receive instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. The applicant must submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on the proposed new award.

The SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the ''accommodate or explain'' rule.

When comments are submitted directly to ACF, they should be addressed to: Department of Health and Human Services, Administration for Children and Families, Division of Discretionary Grants, 370 L'Enfant Promenade, S.W., Mail Stop 6C–462, Washington, D.C. 20447

A list of the Single Points of Contact for each State and Territory is included as Attachment G of this Announcement.

4. Application Consideration

Applications which meet the screening requirements in Section 5 below will be reviewed competitively. Such applications will be referred to reviewers for a numerical score and explanatory comments based solely on responsiveness to program guidelines and evaluation criteria published in this Announcement. Applications will be reviewed by persons outside of the OCS unit which would be directly responsible for programmatic management of the grant. The results of these reviews will assist the Director and OCS program staff in considering competing applications. Reviewers' scores will weigh heavily in funding decisions but will not be the only factors considered. Applications will generally be considered in order of the average scores assigned by reviewers. However, highly ranked applications are not guaranteed funding since the Director may also consider other factors deemed relevant including, but not limited to, the timely and proper completion of projects funded with OCS funds granted in the last five (5) years; comments of reviewers and government officials; staff evaluation and input; geographic distribution; previous program performance of applicant; compliance with grant terms under previous DHHS grants; audit reports; investigative reports; and applicant's progress in resolving any final audit disallowances on OCS or other Federal agency grants. OCS reserves the right to discuss applications with other Federal or non-Federal funding sources to ascertain the applicant's performance record.

5. Criteria for Screening Applications

a. *Initial Screening*—All applications that meet the application deadline will be screened to determine completeness and conformity to the requirements of this Announcement. Only those applications meeting the below listed requirements will be reviewed and evaluated competitively. Others will be returned to the applicants with a notation that they were unacceptable.

(1) The application must contain a completed and signed Standard Form SF–424.

(2) The SF–424 must be signed by an official of the organization applying for the grant who has authority to obligate the organization legally.

b. *Pre-Rating Review*—Applications which pass the initial screening will be forwarded to reviewers for analytical comment and scoring based on the criteria detailed in the Section below and the specific requirements contained in Part A of this Announcement. Prior to the programmatic review, these reviewers and/or OCS staff will verify that the applications comply with this Program Announcement in the following areas:

(1) *Eligibility*—Applicant meets the eligibility requirements found in Part B.

(2) *Number of Projects*—The application contains only one project.

(3) *Target Populations*—The application clearly targets the specific outcomes and benefits of the project to low-income participants and beneficiaries as defined in the DHHS Poverty Income Guidelines (Attachment A).

(4) *Grant Amount*—The amount of funds requested does not exceed $50,000.

(5) *Program Focus*—The application addresses the purposes described in Part A of this Announcement.

c. *Evaluation Criteria*—Applications which pass the initial screening and pre-rating review will be assessed and scored by reviewers. Each reviewer will give a numerical score for each application reviewed. These numerical scores will be supported by explanatory statements on a formal rating form describing major strengths and major weaknesses under each applicable Criterion published in this Announcement.

Part G—Contents of Application Package and Receipt Process

1. Contents of Application

Each application submission must include *a signed original and four additional copies of the application.* Each copy of the application *must* contain, in the order listed, each of the following:

a. *Table of Contents* with page numbers noted for each major section and subsection of the application, including the appendices. Each page in the application, including those in all appendices, must be numbered consecutively.

b. *A Project Abstract* which is a succinct description of the project in 200 words or less.

c. *The SF–424 (Application for Federal Assistance)* should be completed in accordance with instructions provided with the form, as well as OCS specific instructions set forth in Part E of this Announcement. The SF–424 must contain an original signature of the certifying representative of the applicant organization. Applicants must also be aware that the

applicant's legal name (Item 5) *must match* the Employer Identification Number (Item 6).

d. *SF–424A (Budget Information) must* be completed.

e. *SF–424B (Assurances—Non-Construction Programs)* must be filed by applicants requesting financial assistance for a non-construction project. Applicants must sign and return the SF–424B with their applications.

f. *Restriction on Lobbying Activities* Applicants must provide a certification concerning lobbying. Prior to receiving an award in excess of $100,000, applicants shall furnish an executed copy of the lobbying certification. Applicants must sign and return the certification with their applications.

g. *Disclosure of Lobbying Activities (SF–LLL)* Fill-in, sign and date form found at Attachment F, (required only if lobbying has actually taken place or is expected to take place in trying to obtain the grant for which the applicant is applying.)

h. *Project Narrative* (See Part E, Section 4)

i. *Certification Regarding Drug-Free Workplace Requirements (Attachment C)* Applicants must make the appropriate certification of their compliance with the Drug-Free Workplace Act of 1988. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

j. *Certification Regarding Debarment, Suspension, Etc. (Attachment D)* Applicants must make the appropriate certification that they are not presently debarred, suspended or otherwise ineligible for award. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

k. *Certification Regarding Environmental Tobacco Smoke (Attachment E)* Applicants must make the appropriate certification of their compliance with the Pro-Children Act of 1944. By signing and submitting the applications, applicants are providing the certification and need not mail back the certification with the applications.

The total number of pages for the narrative portion of the application package must not exceed 30 pages in their entirety. Applications must be uniform in composition since OCS may find it necessary to duplicate them for review purposes. Therefore, applications must be submitted on 8½ 11-inch paper only. They must not include colored, oversized or folded materials, organizational brochures, or other promotional materials, slides, films, clips, etc. Such materials will be discarded if included.

Applications should be two-holed punched at the top center and fastened separately with a compressor slide paper fastener or a binder clip.

While applications must be comprehensive, OCS encourages conciseness and brevity in the presentation of materials and cautions the applicant to avoid unnecessary duplication of information.

2. Acknowledgement of Receipt

An acknowledgement will be mailed to all applicants with an identification number which will be noted on the acknowledgement. This number must be referred to in all subsequent communications with OCS concerning the application. If an acknowledgment is not received within three weeks after the application deadline, applicants must notify ACF by telephone (202) 401–9365. Applicant should also submit a mailing label for the acknowledgement.

Part H—Post Award Information and Reporting Requirements

Following approval of the applications selected for funding, notice of project approval and authority to draw down project funds will be made in writing. The official award document is the Financial Assistance Award which provides the amount of Federal funds approved for use in the project, the budget period for which support is provided, and the terms and conditions of the award.

In addition to the General Conditions and Special Conditions (where the latter are warranted) which will be applicable to grants, grantees will be subject to the provisions of 45 CFR Parts 74 (non-governmental) and 92 (governmental) along with Circulars 122 (non-governmental) and 87 (governmental).

Grantees will be required to submit semi-annual progress and financial reports (SF–269) as well as a final progress and financial report.

Grantees are subject to the audit requirements in 45 CFR Parts 74 and 92.

Section 319 of Public Law 101–121, signed into law on October 23, 1989, imposes new prohibitions and requirements for disclosure and certification related to lobbying when applicant has engaged in lobbying activities or is expected to lobby in trying to obtain the grant. It provides limited exemptions for Indian tribes and tribal organizations. Current and prospective recipients (and their subtier contractors and/or grantees) are prohibited from using appropriated funds for lobbying Congress or any Federal agency in connection with the award of a contract, grant, cooperative agreement or loan. In addition, for each award action in excess of $100,000 (or $150,000 for loans) the law requires recipients and their subtier contractors and/or subgrantees (1) to certify that they have neither used nor will use any appropriated funds for payment to lobbyists, (2) to submit a declaration setting forth whether payments to lobbyists have been or will be made out of non-appropriated funds and, if so, the name, address, payment details, and purpose of any agreements with such lobbyists whom recipients or their subtier contractors or subgrantees will pay with the *nonappropriated* funds and (3) to file quarterly up-dates about the use of lobbyists if any event occurs that materially affects the accuracy of the information submitted by way of declaration and certification. The law establishes civil penalties for noncompliance and is effective with respect to contracts, grants, cooperative agreements and loans entered into or made on or after December 23, 1989. See Attachment F for certification and disclosure forms to be submitted with the applications for this program.

Attachment H indicates the regulations which apply to all applicants/grantees under the Discretionary Grants Program.

Dated: March 17, 1997.

Donald Sykes,

Director, Office of Community Services.

Attachment A

1995 POVERTY INCOME GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$7,470
2	10,030
3	12,590
4	15,150
5	17,710
6	20,270
7	22,830
8	25,390

For family units with more than 8 members, add $2,580 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in the figures above.)

POVERTY INCOME GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$9,340
2	12,540
3	15,740
4	18,940
5	22,140
6	25,340
7	28,540
8	31,740

For family units with more than 8 members, add $3,200 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in figures above.)

POVERTY INCOME GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$8,610
2	11,550
3	14,490
4	17,430
5	20,370
6	23,310
7	26,250
8	29,190

For family units with more than 8 members, add $2,940 for each additional member. (The same increment applies to smaller family sizes also, as can be seen in figures above.)

BILLING CODE 4184–01–P

ATTACHMENT B-1

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION Application ☐ Construction ☐ Non-Construction Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN).

☐☐ - ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify)_____

8. TYPE OF APPLICATION

☐ New ☐ Construction ☐ Revision

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ - ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT: *(Cities, Counties, States, etc.)*

13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		16. IS APPLICANT SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. Federal	$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON
b. Applicant	$ .00	DATE _____
c. State	$ .00	b. NO. ☐ PROGRAM IS NOT COVERED BY E O 12372
d. Local	$ .00	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
e. Other	$ .00	
f. Program Income	$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
g. TOTAL	$	☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
Authorized for Local Reproduction

Standard Form 424 (REV 4-92)
Prescribed by OMB Circular A-102

BILLING CODE 4184-01-C

Instructions for the SF 424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget. Paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item and Entry

1. Self-explanatory.

2. Date application submitted to Federal agency (or State, if applicable) & applicant's control number (if applicable).

3. State use only (if applicable).

4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.

5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.

7. Enter the appropriate letter in the space provided.

8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:

—''New'' means a new assistance award.

—''Continuation'' means an extension for an additional funding/budget period for a project with a projected completion date.

—''Revision'' means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.

9. Name of Federal agency from which assistance is being requested with this application.

10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.

11. Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

12. List only the largest political entities affected (e.g., State, counties, cities.)

13. Self-explanatory.

14. List the applicant's Congressional District and any District(s) affected by the program or project.

15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, include *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.

16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.

17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit allowances, loans and taxes.

18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

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ATTACHMENT B-2 (1 of 2)

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$
2.						
3.						
4.						
5. Totals		$	$	$	$	$

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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Standard Form 424A (Rev. 4-92)
Prescribed by OMB Circular A-102

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ATTACHMENT B-2 (2 of 2)

SECTION C — NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$
9.				
10.				
11.				
12. TOTAL (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E — BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL (sum of lines 16 - 19)	$	$	$	$

SECTION F — OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 4-92) Page 2

Instructions for the SF 424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget, send it to the address provided by the sponsoring agency.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary

Lines 1–4, Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b).

For applications pertaining to a single program requiring budget amounts by multiple function or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number of each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1–4, Columns (c) through (g)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in Columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5—Show the total for all columns used.

Section B. Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1–4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a–i—Show the totals of Lines 6a to 6h in each column.

Line 6j—Show the amount of indirect cost.

Line 6k—Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)–(4), Line 6k, should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7—Ener the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8–11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a)—Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b)—Enter the contribution to be made by the applicant.

Column (c)—Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter totals in Columns (b), (c), and (d).

Line 12—Enter the total for each of Columns (b)–(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13—Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14—Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15—Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16–19—Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20—Enter the total for each of the Columns (b)–(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21—Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22—Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23—Provide any other explanations or comments deemed necessary.

Attachment B–3—Assurances—Non-Construction Programs

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the

data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, paperwork Reduction Project (0348–0043), Washington, DC 20503.

Please do not return your completed form to the Office of Management and Budget. Send it to the address provided by the sponsoring agency.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728–4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88–352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681–1683, and 1685–1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination of the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101–6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92–255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91–616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290dd–3 and 290ee–3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91–646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§ 1501–1508 and 7324–7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a–7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. § 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327–333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93–234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91–190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93–523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93–205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§ 469a–1 et seq.).

14. Will comply with P.L. 93–348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89–544, as amended, 7 U.S.C. §§ 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A–133, Audits of Institutions of Higher Learning and Other Non-Profit Institutions.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

_____

Signature of Authorized Certifying Official

_____

Title

_____

Applicant Organization

_____

Date Submitted

BILLING CODE 4184–01–M

Attachment C

U.S. Department of Health and Human Services

Certification Regarding Drug-Free Workplace Requirements

Grantees Other Than Individuals

By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.

This certification is required by regulations implementing the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F. The regulations, published in the May 25, 1990 **Federal Register**, require certification by grantees that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the Department of Health and Human Services (HHS) determines to award the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HHS, in addition to any other remedies available to the Federal Government, may taken action authorized under the Drug-Free Workplace Act. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment.

Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.

Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio studios.)

If the workplace identified to HHS changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see above).

Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 USC 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15).

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including: (i) All "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and, (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

The grantee certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace; (2) The grantee's policy of maintaining a drug-free workplace; (3) Any available drug counseling, rehabilitation, and employee assistance programs; and, (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and, (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or, (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant (use attachments, if needed):

Place of Performance (Street address, City, County, State, ZIP Code)_____

Check ___ if there are workplaces on file that are not identified here.

Sections 76.630(c) and (d)(2) and 76.635(a)(1) and (b) provide that a Federal agency may designate a central receipt point for STATE-WIDE AND STATE AGENCY-WIDE certifications, and for notification of criminal drug convictions. For the Department of Health and Human Services, the central receipt point is: Division of Grants Management and Oversight, Office of Management and Acquisition, Department of Health and Human Services, Room 517-D, 200 Independence Avenue, S.W., Washington, D.C. 20201.

DGMO Form#2 Revised May 1990

BILLING CODE 4184–01–C

Attachment D—Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participants is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department of agency's determination whether to enter into this transaction. However, failure of the prospective primary participants to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department of agency to which this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the methods and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of parties Excluded from Federal Procurement and Nonprocurement Programs.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification is this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.

4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, [[Page 33043]] should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled ''Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction,'' without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from covered transactions, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Nonprocurement Programs.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart, 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2). Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Attachment E—Certification Regarding Environmental Tobacco Smoke

Public law 103–227, Part C—Environmental Tobacco Smoke, also known as the Pro-Children Act of 1944 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, education, or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or land guarantee. The law does not apply to children's services provided in private residences, facilities funded solely by Medicare or Medicaid funds, and portions of facilities used for inpatient drug or alcohol treatment. Failure to comply with the provisions of a civil monetary penalty of up to $1000 per day and/or the imposition of an administrative compliance order on the responsible entity.

By signing and submitting this application the applicant/grantee certifies that it will comply with the requirements of the Act. The applicant/grantee further agrees that it will require the language of this certification be included in any subawards which contain provisions for children's services and that all subgrantees shall certify accordingly.

Attachment F (1 of 2)—Certification Regarding Lobbying

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form—LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form—LLL, ''Disclosure Form to Report Lobbying,'' in accordance with its instructions, Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

_____

Signature

_____

Title

_____

Organizaton

_____

Date

BILLING CODE 4184–01–M

ATTACHMENT F (2 of 2)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For material change only** Year_____ Quarter_____ date of last report_____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known.* **Congressional District,** *if known*	5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime: **Congressional District,** *if known*
6. Federal Department/Agency:	7. Federal Program Name/Description: **CFDA Number,** *if applicable:*
8. Federal Action Number, *if known*:	9. Award Amount, *if known*: $
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	b. Individuals Performing Services *(including address if different from No. 10a)* *(last name, first name, MI):*

Items 11 through 15 are deleted.

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____

Federal Use Only:	Authorized for Local Reproduction Standard Form - LLL

BILLING CODE 4184–01–C

ATTACHMENT G—Single Point of Contact List: September 1996

Arizona

Joni Saad, Arizona State Clearinghouse, 3800 N. Central Avenue, Fourteenth Floor, Phoenix, Arizona 85012, Telephone: (602) 280–1315, FAX: (602) 280–8144

Arkansas

Mr. Tracy L. Copeland, Manager, State Clearinghouse, Office of Intergovernmental Services, Department of Finance and Administration, 1515 W. 7th St., Room 412, Little Rock, Arkansas 72203, Telephone: (501) 682–1074, FAX: (501) 682–5206

California

Grants Coordinator, Office of Planning & Research, 1400 Tenth Street, Room 121, Sacramento, California 95814, Telephone: (916) 323–7480, FAX: (916) 323–3018

Delaware

Francine Booth, State Single Point of Contact, Executive Department, Thomas Collins Building, P.O. Box 1401, Dover, Delaware 19903, Telephone: (302) 739–3326, FAX: (302) 739–5661

District of Columbia

Charles Nichols, State Single Point of Contact, Office of Grants Mgmt. & Dev., 717 14th Street, NW.—Suite 500, Washington, DC 20005, Telephone: (202) 727–6554, FAX: (202) 727–1617

Florida

Florida State Clearinghouse, Department of Community Affairs, 2740 Centerview Drive, Tallahassee, Florida 32399–2100, Telephone: (904) 922–5438, FAX: (904) 487–2899

Georgia

Tom L. Reid, III, Administrator, Georgia State Clearinghouse, 254 Washington Street, S.W.—Room 401J, Atlanta, Georgia 30334, Telephone: (404) 656–3855 or (404) 656–3829, FAX: (404) 656–7938

Illinois

Virginia Bova, State Single Point of Contact, Department of Commerce and Community Affairs, James R. Thompson Center, 100 West Randolph, Suite 3–400, Chicago, Illinois 60601, Telephone: (312) 814–6028, FAX: (312) 814–1800

Indiana

Amy Brewer, State Budget Agency, 212 State House, Indianapolis, Indiana 46204, Telephone: (317) 232–5619, FAX: (317) 233–3323

Iowa

Steven R. McCann, Division for Community Assistance, Iowa Department of Economic Development, 200 East Grand Avenue, Des Moines, Iowa 50309, Telephone: (515) 242–4719, FAX: (515) 242–4859

Kentucky

Ronald W. Cook, Office of the Governor, Department of Local Government, 1024 Capitol Center Drive, Frankfort, Kentucky 40601–8204, Telephone: (502) 573–2382, FAX: (502) 573–2512

Maine

Joyce Benson, State Planning Office, State House Station #38, Augusta, Main 04333, Telephone: (207) 287–3261, FAX: (207) 287–6489

Maryland

William G. Carroll, Manager, State Clearninghouse of Intergovernmental Assistance, Maryland Office of Planning, 301 W. Preston Street—Room 1104, Baltimore, Maryland 21201–2365, Staff Contact: Linda Janey, Telephone: (410) 225–4490, FAX: (410) 225–4480

Michigan

Richard Pfaff, Southeast Michigan Council of Governments, 1900 Edison Plaza, 660 Plaza Drive, Detroit, Michigan 48226, Telephone: (313) 961–4226, FAX: (313) 961–4869

Mississippi

Cathy Mallette, Clearinghouse Officer, Department of Finance and Administration, 455 North Lamar Street, Jackson, Mississippi 39202–3087, Telephone: (601) 359–6762, FAX: (601) 359–6764

Missouri

Lois Pohl, Federal Assistance Clearinghouse, Office of Administration, P.O. Box 809, Room 760, Truman Building, Jefferson City, Missouri 65102, Telephone: (314) 751–4834, FAX: (314) 751–7819

Nevada

Department of Administration, State Clearinghouse, Capitol Complex, Carson City, Nevada 89710, Telephone: (702) 687–4065, FAX: (702) 687–3983

New Hampshire

Jeffrey H. Taylor, Director, New Hampshire Office of State Planning, Attn: Intergovernmental Review Process
Mike Blake, 2½ Beacon Street, Concord, New Hampshire 03301, Telephone: (603) 271–2155, FAX: (603) 271–1728

New Mexico

Robert Peters, State Budget Division, Room 190 Bataan Memorial Building, Sante Fe, New Mexico 87503, Telephone: (505) 827–3640

New York

New York State Clearinghouse, Division of the Budget, State Capitol, Albany, New York 12224, Telephone: (518) 474–1605

North Carolina

Chrys Baggett, Director, N.C. State Clearinghouse, Office of the Secretary of Admin., 116 West Jones Street, Raleigh, North Carolina 27603–8003, Telephone: (919) 733–7232, FAX: (919) 733–9571

North Dakota

North Dakota Single Point of Contact, Office of Intergovernmental Assistance, 600 East Boulevard Avenue, Bismarck, North Dakota 58505–0170, Telephone: (701) 224–2094, FAX: (701) 224–2308

Ohio

Larry Weaver, State Single Point of Contact, State Clearinghouse, Office of Budget and Management, 30 East Broad Street, 34th Floor, Columbus, Ohio 43266–0411
Please direct correspondence and questions about intergovernmental review to Linda Wise, Telephone (614) 466–0698, FAX: (614) 466–5400

Rhode Island

Daniel W. Varin, Associate Director, Department of Administration, Division of Planning, One Capitol Hill, 4th Floor, Providence, Rhode Island 02908–5870, Telephone: (401) 277–2656, FAX: (401) 277–2083
Please direct correspondence and questions to: Review Coordinator Office of Strategic Planning

South Carolina

Omeagia Burgess, State Single Point of Contact, Grant Services, Office of the Governor, 1205 Pendleton Street—Room 477, Columbia, South Carolina 29201, Telephone: (803) 734–0494, FAX: (803) 734–0385

Texas

Tom Adams, Governors Officer, Director, Intergovernmental Coordination, P.O. Box 12428, Austin, Texas 78711, Telephone: (512) 463–1771, FAX: (512) 463–1888

Utah

Carolyn Wright, Utah State Clearinghouse, Office of Planning and Budget, Room 116 State Capitol, Salt Lake City, Utah 84114, Telephone: (801) 538–1535, FAX: (801) 538–1547

West Virginia

Fred Cutlip, Director, Community Development Division, W. Virginia Development Office, Building #6, Room 553, Charleston, West Virginia 25305, Telephone: (304) 558–4010, FAX: (304) 558–3248

Wisconsin

Martha Kerner, Section Chief, State/Federal Relations, Wisconsin Department of Administration, 101 East Wilson Street—6th Floor, P.O. Box 7868, Madison, Wisconsin 53707, Telephone: (608) 266–2125, FAX: (608) 267–6931

Wyoming

Sheryl Jeffries, State Single Point of Contact, Office of the Governor, State Capital, Room 124, Cheyenne, Wyoming 82002, Telephone: (307) 777–5930, FAX: (307) 632–3909

Territories

Guam

Mr. Giovanni T. Sgambelluri, Director, Bureau of Budget and Management Research, Office of the Governor, P.O. Box 2950, Agana, Guam 96910, Telephone: 011–671–472–2285, FAX: 011–671–472–2825

Puerto Rico

Norma Burgos/Jose E. Caro, Chairwoman/Director, Puerto Rico Planning Board,

Federal Proposals Review Office, Minillas Government Center, P.O. Box 41119, San Juan, Puerto Rico 00940–1119, Telephone: (809) 727–4444, (809) 723–6190, FAX: (809) 724–3270, (809) 724–3103

Northern Mariana Islands

Mr. Alvaro A. Santos, Executive Officer, State Single Point of Contact, Office of Management and Budget, Office of the Governor, Saipan, MP 96950, Telephone: (670) 664–2256, FAX: (670) 664–2272

Contact Person: Ms. Jacoba T. Seman, Federal Programs Coordinator, Telephone: (670) 644–2289, FAX: (670) 644–2272

Virgin Islands

Jose George, Director, Office of Management and Budget, #41 Norregade Emancipation Garden Station, Second Floor, Saint Thomas, Virgin Islands 00802

Please direct all questions and correspondence about intergovernmental review to: Linda Clarke, Telephone: (809) 774–0750, FAX: (809) 776–0069.

ATTACHMENT H—Department of Health and Human Services (DHHS), Regulations Applying to All Applicants/Grantees Under the Community Food and Nutrition Program

Title 45 of the Code of Federal Regulations:

Part 16—DHHS Grant Appeals Process

Part 74—Administration of Grants (non-governmental)

Part 74—Administration of Grants (state and local governments and Indian Tribal affiliates):

Sections

74.26—Non-Federal Audits

74.27—Allowable cost for hospitals and non-profit organizations among other things

74.32—Real Property

74.34—Equipment

74.35—Supplies

74.24—Program Income

Part 75—Informal Grant Appeal Procedures

Part 76—Debarment and Suspension from Eligibility for Financial Assistance

Subpart F—Drug Free Workplace Requirements

Part 80—Non-discrimination Under Programs Receiving Federal Assistance through DHHS Effectuation of Title VI of the Civil Rights Act of 1964

Part 81—Practice and Procedures for Hearings Under Part 80 of this Title

Part 83—Regulation for the Administration and Enforcement of Sections 799A and 845 of the Public Health Service Act

Part 84—Non-discrimination on the Basis of Handicap in Programs and Activities Receiving Federal Financial Assistance

Part 85—Enforcement of Non-discrimination on the Basis of Handicap in Programs or Activities Conducted by DHHS

Part 86—Non-discrimination on the Basis of Sex in Education Programs and Activities Receiving or Benefitting from Federal Financial Assistance

Part 91—Non-discrimination on the Basis of Age in Health and Human Services Programs or Activities Receiving Federal Financial Assistance

Part 92—Uniform Administrative Requirements for Grants and Cooperative Agreements to States and Local Governments (Federal Register, March 11, 1988)

Part 93—New Restrictions on Lobbying

Part 100—Intergovernmental Review of DHHS Programs and Activities

[FR Doc. 97–7213 Filed 3–20–97; 8:45 am]

BILLING CODE 4184–01–M

Federal Allotments to State Developmental Disabilities Councils (DDCs) and Protection and Advocacy (P&A) Formula Grant Programs for Fiscal Year 1998

AGENCY: Administration on Developmental Disabilities, Administration for Children and Families, Department of Health and Human Services.

ACTION: Notification of fiscal year 1998 federal allotments to State developmental disabilities councils and protection and advocacy formula grant programs.

SUMMARY: This notice sets forth Fiscal Year 1998 individual allotments and percentages to States administering the State Developmental Disabilities Councils and Protection and Advocacy programs, pursuant to Section 125 and Section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (Act). The allotment amounts are based on the 1998 Budget Request and are contingent upon Congressional appropriations for Fiscal Year 1998. If Congress enacts and the President approves a different appropriation amount, the allotments will be adjusted accordingly.

EFFECTIVE DATE: October 1, 1997.

FOR FURTHER INFORMATION CONTACT: Joanne Moore, Grants Fiscal Management Specialist, Family Support Branch, Division of Formula, Entitlement, and Block Grants, Office of Program Support, Administration for Children and Families, Department of Health and Human Services, 370 L'Enfant Promenade S.W., Washington, D.C. 20447, Telephone (202) 205–4792.

SUPPLEMENTARY INFORMATION: Section 125(a)(2) of the Act requires that adjustments in the amounts of State allotments may be made not more often than annually and that States are to be notified not less than six (6) months before the beginning of any fiscal year of any adjustments to take effect in that fiscal year. It should be noted that, as required by the Compact of Free Association, Palau's allotment has been adjusted to twenty-five percent of its Fiscal Year 1995 allotment. Also, in relation to the State DDC allotments, the description of service needs were reviewed in the State plans and are consistent with the results obtained from the data elements and projected formula amounts for each State (Section 125(a)(5)).

The Administration on Developmental Disabilities has updated the data elements for issuance of Fiscal Year 1998 allotments for the Developmental Disabilities formula grant programs. The data elements used in the update are:

A. The number of beneficiaries in each State and Territory under the Childhood Disabilities Beneficiary Program, December 1995, are from Table 5.J10 of the ''Social Security Bulletin: Annual Statistical Supplement 1996'' issued by the Social Security Administration. The numbers for the Northern Mariana Islands and the Republic of Palau, were obtained from the Social Security Administration;

B. State data on Average Per Capita Income, 1991–95, are from Table 4 of the ''Survey of Current Business,'' September 1996, issued by the Bureau of Economic Analysis, U.S. Department of Commerce; comparable data for the Territories also were obtained from that Bureau; and

C. State data on Total Population and Working Population (ages 18–64) as of July 1, 1995, are from the ''Estimates of Resident Population of the U.S. by Selected Age Groups and Sex, CB96–88,'' issued by the Bureau of the Census, U.S. Department of Commerce. Estimates for the Territories are no longer available, therefore, the Territories population data are from the 1990 Census Population Counts. The Territories' working populations were issued in the Bureau of Census report, ''General Characteristics Report: 1980,'' which is the most recent data available from the Bureau.

TABLE 1.—FY 1998 ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	State developmental disabilities councils	Percentage
Total	[1] $64,803,000	100.000000
Alabama	1,261,185	1.946183
Alaska	402,749	.621497
Arizona	851,697	1.314286
Arkansas	736,209	1.136072
California	5,572,308	8.598843
Colorado	701,920	1.083160
Connecticut	636,048	.981510
Delaware	402,749	.621497
District of Columbia	402,749	.621497
Florida	2,735,739	4.221624
Georgia	1,587,498	2.449729
Hawaii	402,749	.621497
Idaho	402,749	.621497
Illinois	2,544,685	3.926801
Indiana	1,403,838	2.166316
Iowa	762,378	1.176455
Kansas	585,195	.903037
Kentucky	1,166,872	1.800645
Louisiana	1,354,755	2.090575
Maine	402,749	.621497
Maryland	887,385	1.369358
Massachusetts	1,231,460	1.900313
Michigan	2,258,506	3.485187
Minnesota	965,379	1.489713
Mississippi	898,566	1.386612
Missouri	1,270,357	1.960337
Montana	402,749	.621497
Nebraska	407,998	.629597
Nevada	402,749	.621497
New Hampshire	402,749	.621497
New Jersey	1,430,648	2.207688
New Mexico	442,663	.683090
New York	3,974,711	6.133529
North Carolina	1,740,834	2.686348
North Dakota	402,749	.621497
Ohio	2,749,119	4.242271
Oklahoma	874,300	1.349166
Oregon	673,511	1.039321
Pennsylvania	2,980,393	4.599159
Rhode Island	402,749	.621497
South Carolina	1,014,793	1.565966
South Dakota	402,749	.621497
Tennessee	1,382,952	2.134086
Texas	4,109,691	6.341822
Utah	499,766	.771208
Vermont	402,749	.621497
Virginia	1,316,821	2.032037
Washington	1,021,204	1.575859
West Virginia	728,073	1.123517
Wisconsin	1,230,610	1.899002
Wyoming	402,749	.621497
American Samoa	211,444	.326287
Guam	211,444	.326287
Northern Mariana Islands	211,444	.326287
Puerto Rico	2,273,483	3.508299
Palau	55,188	.085163
Virgin Islands	211,444	.326287

[1] Allocations are computed based on the requirements of Section 125(a)(3)(B)—Reduction of Allotment of the Act.

TABLE 2.—FY 1998 ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES

	Protection and advocacy	Percentage
Total	[1] $25,911,318	100.000000
Alabama	428,321	1.653027
Alaska	254,508	.982227

TABLE 2.—FY 1998 ALLOTMENT—ADMINISTRATION ON DEVELOPMENTAL DISABILITIES—Continued

	Protection and advocacy	Percentage
Arizona	349,299	1.348056
Arkansas	256,823	.991161
California	2,222,449	8.577136
Colorado	279,637	1.079208
Connecticut	258,200	.996476
Delaware	254,508	.982227
District of Columbia	254,508	.982227
Florida	1,063,022	4.102539
Georgia	594,060	2.292666
Hawaii	254,508	.982227
Idaho	254,508	.982227
Illinois	891,013	3.438702
Indiana	494,703	1.909216
Iowa	256,199	.988753
Kansas	254,508	.982227
Kentucky	398,747	1.538891
Louisiana	456,346	1.761184
Maine	254,508	.982227
Maryland	335,766	1.295828
Massachusetts	439,441	1.695942
Michigan	805,829	3.109950
Minnesota	349,758	1.349827
Mississippi	307,891	1.188249
Missouri	451,182	1.741255
Montana	254,508	.982227
Nebraska	254,508	.982227
Nevada	254,508	.982227
New Hampshire	254,508	.982227
New Jersey	794,584	3.066552
New Mexico	254,508	.982227
New York	1,360,163	5.249301
North Carolina	628,419	2.425268
North Dakota	254,508	.982227
Ohio	968,100	3.736205
Oklahoma	308,297	1.189816
Oregon	264,661	1.021411
Pennsylvania	1,026,338	3.960964
Rhode Island	254,508	.982227
South Carolina	357,048	1.377962
South Dakota	254,508	.982227
Tennessee	483,586	1.866312
Texas	1,523,272	5.878790
Utah	254,508	.982227
Vermont	254,508	.982227
Virginia	499,846	1.929064
Washington	390,561	1.507299
West Virginia	269,210	1.038967
Wisconsin	437,727	1.689327
Wyoming	254,508	.982227
American Samoa	136,161	.525489
Guam	136,161	.525489
Northern Mariana Islands	136,161	.525489
Puerto Rico	800,657	3.089989
Palau	34,375	.132664
Virgin Islands	136,161	.525489

[1] In accordance with Public Law 104–183, Section 142(c)(5), $806,682 has been withheld for funding technical assistance and American Indian Consortiums. The statute provides for spending up to two percent (2%) of the amount appropriated under Section 143 to fund technical assistance. American Indian Consortiums are eligible to receive an allotment under Section 142(c)(1)(A)(i). Unused funds will be reallotted in accordance with Section 142(c)(1) of the Act.

Dated: March 17, 1997.

Bob Williams,

Commissioner Administration on Developmental Disabilities.

[FR Doc. 97–7212 Filed 3–20–97; 8:45 am]

BILLING CODE 4184–01–P

Food and Drug Administration

[Docket No. 97N–0098]

Agency Information Collection Activities: Proposed Collection; Comment Request; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on Form FDA 3038, ''Interstate Shellfish Dealer's Certificate.''

DATES: Submit written comments on the collection of information by May 20, 1997.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Margaret R. Wolff, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–19, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Interstate Shellfish Dealers Certificate—(OMB Control Number 0910–0021)—Extension

Under 42 U.S.C. 243, FDA is required to cooperate with and aid State and local authorities in the enforcement of their health regulations and is authorized to assist States in the prevention and suppression of communicable diseases. Under this authority, FDA participates with State regulatory agencies, some foreign nations, and the molluscan shellfish industry in the National Shellfish Sanitation Program (NSSP). The NSSP is a voluntary, cooperative program to promote the safety of molluscan shellfish by providing for the classification and patrol of shellfish growing waters and for the inspection and certification of shellfish processors. Each participating State and foreign nation monitors its molluscan shellfish processors and issues certificates for those that meet the State or foreign shellfish control authority's criteria. Each participating State and nation provides a certificate of its certified shellfish processors to FDA on Form FDA 3038, ''Interstate Shellfish Dealer's Certificate.'' FDA uses this information to publish the ''Interstate Certified Shellfish Shippers List,'' a monthly comprehensive listing of all molluscan shellfish processors certified under the cooperative program. If FDA did not collect the information necessary to compile this list, participating States would not be able to identify and keep out shellfish processed by uncertified processors in other States and foreign nations. Consequently, the NSSP would not be able to control the distribution of uncertified and possibly unsafe shellfish in interstate commerce, and its effectiveness would be nullified.

FDA estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL REPORTING BURDEN

Form No.	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
FDA 3038	33	70	2,310	.10	231

There are no capital costs or operating and maintenance costs associated with this collection.

This estimate is based on the numbers of certificates received in 1996.

Dated: March 13, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–7137 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97N–0092]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Reinstatement

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and

clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by April 21, 1997.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Margaret R. Wolff, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, rm. 16B–19, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), FDA has submitted the following proposed collection of information to OMB for review and clearance.

Irradiation in the Production, Processing, and Handling of Food (21 CFR Part 179)—(OMB Control Number 0910–0186—Reinstatement)

Under sections 201(s) and 409 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(s) and 348), food irradiation is subject to regulation as a food additive. The regulations providing for uses of irradiation in the production, processing, and handling of food are found in part 179 (21 CFR part 179).

Section 179.25(e) requires that food processors who treat food with radiation make and retain, for 1 year past the expected shelf life of the products up to a maximum of 3 years, specified records relating to the irradiation process (e.g., the food treated, lot identification, scheduled process, etc.).

Section 179.26(c) requires that food processors label retail packages of irradiated foods with an FDA prescribed logo and statement, ''Treated with radiation'' or ''Treated by irradiation.'' To ensure safe use of radiation sources, § 179.21(b)(1) requires that the label of sources bear appropriate and accurate information identifying the source of radiation (§ 179.21(b)(1)(i)) and the maximum energy of radiation emitted by x-ray tube sources (§ 179.21(b)(1)(ii)). Section 179.21(b)(2) requires that the label or accompanying labeling bear adequate directions for installation and use (§ 179.21(b)(2)(i)), a statement that no food shall be exposed to radiation sources so as to receive an absorbed dose of x-radiation in excess of 10 grays (§ 179.21(b)(2)(ii)) or an absorbed dose of certain radioisotopes[1] in excess of 2 milligrays (§ 179.21(b)(2)(iii)).

The records required by § 179.25(e) are used by FDA inspectors to assess compliance with the regulation that establishes limits within which radiation may be safely used to treat food. The agency cannot ensure safe use without a method to assess compliance with the dose limits, and there are no practicable methods for analyzing most foods to determine whether they have been treated with ionizing radiation and are within the limitations set forth in part 179. Records inspection is the only way to determine whether firms are complying with the regulations for treatment of foods with ionizing radiation.

FDA estimates the burden of this collection of information as follows:

ESTIMATED ANNUAL RECORDKEEPING BURDEN

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours
179.25(e)	3	120	360	1	360

There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of firms who process food using irradiation is extremely limited. FDA estimates that there is a single irradiation plant whose business is devoted primarily (i.e., approximately 100 percent) to irradiation of food and other agricultural products. Two other facilities also irradiate small quantities of food (mainly spices). FDA estimates that this irradiation accounts for no more than 10 percent of the business for each of these firms. Therefore, the average estimated burden is based on: (1) Facility devoting 100 percent of its business (or 300 hours for recordkeeping annually) to food irradiation; (2) facilities devoting 10 percent of their business or 60 hours (2 x 30 hours) for recordkeeping annually, to food irradiation or (300 + 60)/3 = 120 x 3 firms x 1 hour = 360 hours annually.

No burden has been estimated for the labeling requirements in § 179.21(b)(1) and (b)(2)(i) because it is a usual and customary business practice for manufacturers of food processing equipment to label (identify) their products for use by their customers. Under 5 CFR 1320.3(b)(2), the time, effort, and financial resources necessary to comply with a collection of information are excluded from the burden estimate if the reporting, recordkeeping, or disclosure activities needed to comply are usual and customary because they would occur in the normal course of activities. In addition, no burden has been estimated for §§ 179.21(b)(2)(ii) and (b)(2)(iii) and 179.26(c) because FDA provides the exact wording and logo that is to be used on the label. Under 5 CFR 1320.3(c)(2), the public disclosure of information originally supplied by the Federal Government to the recipient for the purpose of disclosure to the public is not a collection of information.

Dated: March 13, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–7131 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[1] The isotopes identified by the regulation are americium-241, cesium-137, cobalt-60, iodine-125, krypton-85, radium-226, and strontium-90.

[Docket No. 97D–0099]

Draft Guidance for Industry: FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled, ''Guidance for Industry: FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products.'' The draft guidance considers the quality and quantity of data that may be adequate to add a new use to the prescribing information for a product used in the treatment of cancer. The draft guidance is part of the agency's ''New Use Initiative—Evidence for Primary and Supplemental Approvals,'' which is exploring ways to expedite the development of new and supplemental uses for drug and biological products. Elsewhere in this issue of the **Federal Register**, FDA is publishing a notice of availability of a draft guidance that discusses what clinical evidence of efficacy should be provided in new drug and biological product license applications as well as in supplemental applications. The agency is seeking public comment on the draft guidance.

DATES: Written comments on the draft guidance by May 20, 1997. General comments on agency guidance documents may be submitted at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance entitled ''Guidance for Industry: FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products'' to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send two self-addressed adhesive labels to assist the offices in processing your requests. The draft guidance also may be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by facsimile by calling the FAX Information System at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Robert J. Delap, Center for Drug Evaluation and Research (HFD–150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2473.

SUPPLEMENTARY INFORMATION:

I. Background

When drugs approved for one use prove safe and effective for treating other conditions, information on the new use should be added to the product labeling as soon as possible. FDA has launched the ''New Use Initiative—Evidence for Primary and Supplemental Approvals'' to explore ways the agency can improve the supplemental application process. FDA believes it can expedite the development of new and supplemental uses of drug and biological products by doing the following: (1) Clarifying what evidence should be provided in primary as well as supplemental applications and (2) working with industry to reduce barriers to submitting applications for new uses for their products.

Some of the information submitted in a supplemental application may be available from the primary application. As a result, the agency decided that its first step would be to clarify what information sponsors should provide in applications in general. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a draft guidance entitled ''Guidance for Industry: Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products,'' The draft guidance addresses the information that should be provided in new drug and biological product license applications as well as supplemental applications.

The draft guidance entitled ''Guidance for Industry: FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products'' focuses on the particular information to be provided when submitting an application for the approval of a supplemental new use for a drug product to treat cancer. Cancer treatments often yield potential new uses for already marketed drugs.

Although this draft guidance does not create or confer any rights on any person, and does not operate to bind FDA in any way, it does represent the agency's current thinking on new cancer treatment uses for marketed drug and biological products.

II. Request for Comments

Interested parties may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

An electronic version of the draft guidance also is available via Internet using the World Wide Web (WWW) (connect to the CDER home page at attp://www.fda.gov/cder and go to the ''Regulatory Guidance'' section, or to the CBER home page at http://www.fda.gov/cber/cberfp.html).

Dated: March 14, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–7132 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97D–0100]

Draft Guidance for Industry: Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance entitled, ''Guidance for Industry: Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products.'' The purpose of the draft guidance is to clarify what clinical evidence of effectiveness should be provided in new drug applications, biological product license applications, and supplemental applications. The draft guidance is part of the agency's ''New Use Initiative—Evidence for Primary and Supplemental Approvals,'' which is exploring ways to expedite the development of new and supplemental uses for drug and biological products. Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a draft guidance that discusses the quality and quantity of data that may be adequate to add a new use to the prescribing information for a product used in the treatment of cancer. The agency is seeking public comment on the draft guidance.

DATES: Written comments on the draft guidance by May 20, 1997. General comments on agency guidance documents may be submitted at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance entitled ''Guidance for Industry:

Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products'' to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857; or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448. Send two self-addressed adhesive labels to assist the offices in processing your requests. The draft guidance also may be obtained by mail by calling the CBER Voice Information System at 1–800–835–4709 or 301–827–1800, or by facsimile by calling the FAX Information System at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance. Submit written comments on the draft guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph P. Griffin, Center for Drug Evaluation and Research (HFD–5), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5400.

SUPPLEMENTARY INFORMATION:

I. Background

When drugs approved for one use prove safe and effective for treating other conditions, information on the new use should be added to the product labeling as soon as possible. FDA is exploring ways to expedite the development of new and supplemental uses of drug and biological products. The agency believes it can improve the approval process and increase the number of safe and effective new uses being added to drug labeling by doing the following: (1) Clarifying what evidence should be provided in primary and supplemental applications and (2) working with industry to reduce barriers to submitting applications for new uses for their products.

Because some of the information submitted in a supplemental application may be available from the primary application, the agency decided that its first step would be to clarify what information sponsors should provide in applications in general. The draft guidance entitled, ''Guidance for Industry: Providing Clinical Evidence of Effectiveness for Human Drug and Biological Products'' discusses the clinical evidence that should be provided when submitting a new drug or biological product license application or a supplemental application for a new use of a drug or biological product.

Elsewhere in this issue of the **Federal Register**, FDA is announcing the availability of a second draft guidance entitled, ''Guidance for Industry: FDA Approval of New Cancer Treatment Uses for Marketed Drug and Biological Products.'' The draft guidance focuses on the quality and quantity of data that may be adequate to add a new use to the prescribing information for a product used in the treatment of cancer. Cancer treatments often yield potential new uses for marketed drug products.

Although this guidance does not create or confer any right on any person , and does not operate to bind FDA in any way, it does represent the agency's current thinking on clinical evidence of effectiveness for human drug and biological products.

II. Request for Comments

Interested parties may submit written comments on the draft guidance to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

An electronic version of this draft guidance also is available via Internet using the World Wide Web (WWW) (connect to the CDER home page at http://www.fda.gov/cder and go to the ''Regulatory Guidance'' section, or to the CBER home page at http://www.fda.gov/cber/cberftp.html).

Dated: March 14, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–7133 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 96N–0095]

Hoffmann-La Roche, Inc., et al.; Withdrawal of Approval of 49 New Drug Applications, 9 Abbreviated Antibiotic Applications, and 36 Abbreviated New Drug Applications; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of March 27, 1996 (61 FR 13506). The document announced the withdrawal of approval of 49 new drug applications (NDA's), 9 abbreviated antibiotic applications (AADA's), and 36 abbreviated new drug applications (ANDA's). The document inadvertently withdrew approval of NDA 18–962 for Manganese Chloride Injection held by Abbott Laboratories, D–389, Bldg. AP30, 200 Abbott Park Rd., Abbott Park, IL 60064–3537. This document confirms that approval of NDA 18–962 is still in effect, and that the withdrawal of approval of the NDA was in error.

EFFECTIVE DATE: March 27, 1996.

FOR FURTHER INFORMATION CONTACT: Olivia A. Vieira, Center for Drug Evaluation and Research (HFD–7), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–1046.

In FR Doc. 96–7309, appearing on page 13506 in the **Federal Register** of Wednesday, March 27, 1996, the following correction is made: On page 13507, in the table, the entry for NDA 18–962 is removed.

Dated: March 14, 1997.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 97–7187 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket Nos. 96E–0289, 96E–0286, and 96E–0288]

Determination of Regulatory Review Period for Purposes of Patent Extension; DAUNOXOME®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for DAUNOXOME® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

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

FOR FURTHER INFORMATION CONTACT: Brian J. Malkin, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product DAUNOXOME® (daunorubicin citrate). DAUNOXOME® is indicated as a first line cytotoxic therapy for advanced human immunodeficiency virus (HIV)-associated Kaposi's sarcoma. DAUNOXOME® is not recommended in patients with less than advanced HIV-related Kaposi's sarcoma. Subsequent to this approval, the Patent and Trademark Office received patent term restoration applications for DAUNOXOME® (U.S. Patent Nos. 5,435,989; 5,441,745; and 5,019,369) from NeXstar Pharmaceuticals, Inc., and the Patent and Trademark Office requested FDA's assistance in determining these patent's eligibilities for patent term restoration. In letters dated December 2, 1996, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of DAUNOXOME® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for DAUNOXOME® is 2,771 days. Of this time, 1,629 days occurred during the testing phase of the regulatory review period, while 1,142 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective*: September 8, 1988. The applicant claims September 29, 1988, as the date the investigational new drug application (IND) for DAUNOXOME® (IND 31,927) became effective. However, FDA records indicate that the effective date for IND 31,927 was September 8, 1988, which was 30 days after FDA received the IND.

2. *The date the application was initially submitted with respect to the human drug product under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357)*: February 22, 1993. The applicant claims February 18, 1993, as the date the new drug application (NDA) for DAUNOXOME® (NDA 50–704) was initially submitted. However, FDA records indicate that NDA 50–704 was submitted on February 22, 1993.

3. *The date the application was approved*: April 8, 1996. FDA has verified the applicant's claim that NDA 50–704 was approved on April 8, 1996.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 258 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before May 20, 1997, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before September 17, 1997, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: March 12, 1997.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 97–7135 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 97M–0082]

Behring Diagnostics, Inc.; Premarket Approval of EMIT® 2000 Cyclosporine Specific Assay

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Behring Diagnostics, Inc., San Jose, CA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the EMIT® 2000 Cyclosporine Specific Assay. After reviewing the recommendation of the Clinical Chemistry and Toxicology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of October 2, 1996, of the approval of the application.

DATES: Petitions for administrative review by April 21, 1997.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Cornelia B. Rooks, Center for Devices and Radiological Health (HFZ–440), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–2436.

SUPPLEMENTARY INFORMATION: On June 29, 1992, Syva Co., San Jose, CA 95161–9013, submitted to CDRH an application for premarket approval of the EMIT® 2000 Cyclosporine Specific Assay. The device is a homogeneous enzyme immunoassay and is indicated for in vitro diagnostic use on the Roche

Diagnostic Systems chemistry systems (i.e., COBAS MIRA® , COBAS MIRA S®, and COBAS MIRA® Plus) for the quantitative analysis of cyclosporine (CsA) in human whole blood as an aid in the management of cyclosporine therapy in kidney, heart, and liver transplant patients.

On November 16, 1992, the Clinical Chemistry and Toxicology Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On October 2, 1996, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of the review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before April 21, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: February 20, 1997.

Joseph A. Levitt,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 97–7134 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Circulatory System Devices Panel of the Medical Devices Advisory Committee

Date, time, and place. April 7, 1997, 8:30 a.m., Corporate Bldg., conference rm. 020B, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 1–800–228–9290 or 301–590–0044 and reference the FDA Panel meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Christie Wyatt, KRA Corp., 301–495–1591, ext. 267.

Type of meeting and contact person. Closed committee deliberations, 8:30 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 10:30 a.m., unless public participation does not last that long; open committee discussion, 10:30 a.m. to 1:30 p.m.; closed presentation of data, 1:30 p.m. to 2:30 p.m.; open committee discussion, 2:30 p.m. to 3:30 p.m.; John E. Stuhlmuller, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8243, ext. 157, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Circulatory System Devices Panel, code 12625. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 1, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss a new premarket notification (510(k)) for a transtelephonic cardiac event monitor for over-the-counter use (nonprescription). This device has previously been cleared by the agency for prescription use.

Closed presentation of data. The sponsor may present trade secret and/or confidential commercial information regarding the cardiac monitor. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Closed committee deliberations. FDA staff will present to the committee trade secret and/or confidential commercial information relevant to cardiovascular system devices that are currently being evaluated by FDA. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Antiviral Drugs Advisory Committee

Date, time, and place. April 14, 1997, 8:30 a.m.; Armory Place, 925 Wayne Ave., rm. 204, Silver Spring, MD.

Type of meeting and contact person. Open public hearing, 8:30 a.m. to 9:30 a.m., unless public participation does not last that long; open committee discussion, 9:30 a.m. to 3 p.m.; closed committee deliberations, 3 p.m. to 5:30 p.m.; Rhonda W. Stover, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Antiviral Drugs Advisory Committee, code 12531. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 7, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss data relevant to a supplemental new drug application for the approved drug, Amphotec™, (amphotericin B cholesteryl sulfate complex, Sequus Pharmaceuticals, Inc.), for use in the empiric therapy of febrile neutropenic patients.

Closed committee deliberations. The committee will review trade secret and/or confidential information relevant to pending investigational new drugs and drug development plans. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Joint Meeting of the Vaccines and Related Biological Products Advisory Committee and the Antiviral Drugs Advisory Committee

Date, time, and place. April 15, 1997, 7:45 a.m., Armory Place, 925 Wayne Ave., rm. 103, Silver Spring, MD. The meeting will move to rm. 204 (same location) at 1 p.m.

Type of meeting and contact person. Open public hearing, 7:45 a.m. to 8:15 a.m. for the Vaccines and Related Biological Products Advisory Committee in room 103, unless public participation does not last that long; closed committee deliberations, 8:15 a.m. to 1 p.m.; closed joint committee deliberations in room 204, 1 p.m. to 5:30 p.m.; open public hearing, 5:30 p.m. to 6 p.m., unless public participation does not last that long; Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM–21), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington DC area), Vaccines and Related Biological Products Advisory Committee, code 12388; Antiviral Drugs Advisory Committee, code 12531. Please call the hotline for information concerning any possible changes.

General function of the committees. The Vaccines and Related Biological Products Advisory Committee reviews and evaluates data on the safety and effectiveness of vaccines intended for use in the diagnosis, prevention, or treatment of human diseases. The Antiviral Drugs Advisory Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of acquired immune deficiency syndrome (AIDS), AIDS-related complex (ARC), and other viral, fungal, and mycobacterial infections.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person by April 8, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Closed committee deliberations. The committees will review trade secret and/or confidential commercial information relevant to pending investigational new drug applications or product licensing applications. These portions of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of the meeting(s) shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will

be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

The Commissioner has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA) (5 U.S.C. app. 2, 10(d)), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the premature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, deliberation to formulate advice and recommendations to the agency on matters that do not independently justify closing.

This notice is issued under section 10(a)(1) and (a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 17, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–7188 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

Advisory Committees; Notice of Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meetings and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETINGS: The following advisory committee meetings are announced:

Technical Electronic Product Radiation Safety Standards Committee

Date, time, and place. April 8 and 9, 1997, 8:30 a.m., Corporate Bldg., conference rm. 020B, 9200 Corporate Blvd., Rockville, MD. A limited number of overnight accommodations have been reserved at the Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Blvd., Gaithersburg, MD. Attendees requiring overnight accommodations may contact the hotel at 800–228–9290 or 301–590–0044 and reference the FDA Advisory Committee meeting block. Reservations will be confirmed at the group rate based on availability. Attendees with a disability requiring special accommodations should contact Christie Wyatt, KRA Corp., 301–495–1591, ext. 267.

Type of meeting and contact person. Open committee discussion, April 8, 1997, 8:30 a.m. to 10:15 a.m.; open public hearing, 10:15 a.m. to 11 a.m., unless public participation does not last that long; open committee discussion, 11 a.m. to 3 p.m.; open public hearing, 3 p.m. to 4 p.m., unless public participation does not last that long; open committee discussion, 4 p.m. to 5 p.m.; open committee discussion, April 9, 1997, 8:30 a.m. to 11 a.m.; open public hearing, 11 a.m. to 12 m., unless public participation does not last that long; open committee discussion, 12 m. to 2:15 p.m.; Orhan H. Suleiman, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–3332, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Technical Electronic Product Radiation Safety Standards Committee, code 12399. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation under 42 U.S.C. 263f(f)(1)(A).

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the

contact person before March 28, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will specifically discuss draft amendments to performance standards for ionizing radiation-emitting products (i.e., mammography equipment (21 CFR 1020.31), and laser products (21 CFR 1040.10). There will be updates to the committee on cellular telephone research, environmental electromagnetic radiation, diagnostic ultrasound, microwave clothes dryers, and commercially used mercury lamps. In addition, a notice of intent to propose amendments to fluoroscopic equipment will be discussed (21 CFR 1020.32).

Pulmonary Allergy Drugs Advisory Committee

Date, time, and place. April 11, 1997, 8 a.m., Quality Hotel, Maryland Ballroom, 8727 Colesville Rd., Silver Spring, MD.

Type of meeting and contact person. Open committee discussion, 8 a.m. to 9:30 a.m.; open public hearing, 9:30 a.m. to 12:30 p.m., unless public participation does not last that long; open committee discussion, 12:30 p.m. to 4:30 p.m.; Leander B. Madoo, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4695, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Pulmonary-Allergy Drugs Advisory Committee, code 12545. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 4, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. FDA staff will present to the committee the agency's advance notice of proposed rulemaking, which proposes a strategy for the withdrawal of the essential use status of marketed chlorofluorocarbon (CFC) products as proven alternatives become available. A representative from the U.S. Environmental Protection Agency will present an overview of the environmental impact of CFC's and a review of the Montreal Protocol on ozone-depleting substances. The committee will discuss and comment upon the agency's proposed strategy for the CFC-transition process and on presentations made during the open public hearing. Advisory committee input, in addition to open public hearing comments, will be considered by the agency as it formulates subsequent rulemaking related to the CFC-transition process.

Advisory Committee for Pharmaceutical Science

Date, time, and place. May 7, 1997, 8:30 a.m., and May 8, 1997, 8 a.m., Holiday Inn—Gaithersburg, Goshen Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Type of meeting and contact person. Open committee discussion, May 7, 1997, 8:30 a.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 5:30 p.m.; open committee discussion, May 8, 1997, 8 a.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m., unless public participation does not last that long; open committee discussion, 2 p.m. to 5:30 p.m.; Kimberly L. Topper, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, e-mail: TOPPERK@CDER.FDA.GOV, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Advisory Committee for Pharmaceutical Science, code 12539. Please call the hotline for information concerning any possible changes.

General function of the committee. The committee gives advice on scientific and technical issues concerning the safety and effectiveness of human generic drug products for use in the treatment of a broad spectrum of human diseases.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before April 1, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On May 7, 1997, the committee will discuss the Biopharmaceutics Research and Policy Issues and Chemistry Research and Policy Issues. On May 8, 1997, the committee will discuss Pharmacology/Toxicology Research Programs: Objectives and Status.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of the meeting(s) shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing

portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: March 13, 1997.

Michael A. Friedman, M.D.,

Deputy Commissioner for Operations.

[FR Doc. 97–7136 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–01–F

Health Resources and Services Administration

Program Announcement for Scholarships for Health Professions Students From Disadvantaged Backgrounds

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1997 Scholarships for Disadvantaged Students (SDS) program are being accepted under the authority of section 737 of the Public Health Service Act (the Act), Title VII, Part B, as amended by the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992. Schools that received funds for academic year 1996–97 will be funded based on the information provided in last year's Financial Status Report (FSR), and do not need to reapply.

Purpose

The SDS program provides funds to health professions and nursing schools for the purpose of assisting such schools in providing scholarships to individuals from disadvantaged backgrounds who are enrolled (or accepted for enrollment) as full-time students in the schools, as well as to undergraduate students who have demonstrated a commitment to pursuing a career in health professions.

For purposes of the SDS program in FY 1997, an ''individual from disadvantaged background'' is defined in 42 CFR part 57.1804, subpart S, as one who:

(1) Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in allied health professions; or

(2) Comes from a family with an annual income below a level based on low-income thresholds according to family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions and nursing programs. The Secretary will periodically publish these low income levels in the **Federal Register**.

The following income figures determine what constitutes a low-income family for purposes of the SDS program for FY 1997.

Size of parents' family [1]	Income level [2]
1	$10,500
2	13,700
3	16,300
4	20,800
5	24,600
6 or more	27,600

[1] Includes only dependents listed on Federal income tax forms.

[2] Adjusted gross income for calendar year 1996, rounded to nearest $100. These low income figures are published in this issue of the FEDERAL REGISTER.

Under the Omnibus Consolidated Appropriations Act, for FY 1997, approximately $18.6 million has been appropriated for this program. Of the funds available for FY 1997, 30 percent shall be made available to schools agreeing to expend the funds only for nursing scholarships. An estimated $5.6 million will support approximately 4,300 scholarships averaging $1,300 for students at schools of nursing. The balance of $13 million will support approximately 4,225 scholarships averaging $3,100 for eligible health professions students. The period of fund availability will be for one academic year.

Use of Funds

Funds awarded to a school under this program may be used as follows:

(1) To award scholarships to eligible students enrolled in the school, to be expended only for tuition expenses, other reasonable educational expenses, and reasonable living expenses (as defined by the school for all students attending the school) incurred while enrolled in a school as a full-time student. The amount of the scholarship may not, for any year of attendance, exceed the total amount required for the year for the expenses specified above.

(2) To provide financial assistance to undergraduate students who have demonstrated a commitment to pursuing a career in the health professions, in order to facilitate the completion of the educational requirements for such careers, provided that the total amount used for this purpose may not exceed 25 percent of the funds awarded to the school under this program.

Any school receiving SDS funds will be required to maintain separate accountability for these funds.

School Eligibility

Funds under this program will be made available to accredited public or nonprofit private health professions schools. For purposes of the SDS program, as defined in section 737(a)(3) of the Act, the term ''health professions schools'' means schools of medicine, nursing, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or allied health or schools offering graduate programs in clinical psychology and which are accredited as provided in section 799(l)(E) of the Act, schools of allied health as defined in section 799(4) of the Act, and which are located in States as defined in section 799(9) of the Act, and schools of nursing as defined in section 853 of the Act.

As required by statute, to qualify for participation in the SDS program, a school must be:

(1) carrying out a program for recruiting and retaining students from disadvantaged backgrounds, including racial and ethnic minorities; and

(2) carrying out a program for recruiting and retaining minority faculty.

In addition, each school that received funds in FY 1996 must be carrying out

all of the statutory requirements listed below:

(1) Ensure that adequate instruction regarding minority health issues is provided for in the curricula of the school. This does not include normal course work, that by definition includes minority health issues (e.g., sickle cell anemia in a pathology class), but refers to course work reflecting an institutional awareness of the special health needs of minority populations;

(2) Enter into arrangements with one or more health clinics providing services to a significant number of individuals who are from disadvantaged backgrounds, including members of minority groups, for the purpose of providing students of the school with experience in providing clinical services to such individuals;

(3) Enter into arrangements with one or more public or nonprofit private secondary educational institutions and undergraduate institutions of higher education (feeder schools), for the purpose of carrying out programs regarding:

(a) the educational preparation of disadvantaged students, including minority students, to enter the health professions; and

(b) the recruitment of disadvantaged students, including minority students, into the health professions; and

(4) Establish a mentor program for assisting disadvantaged students, including minority students, regarding the completion of the educational requirements for degrees from the school. This program may include the involvement of students, community health professionals, faculty, alumni, past recipients of Health Career Opportunity Program (HCOP) funds, faculty/staff of feeder schools, etc., in institutionally organized activity (e.g., tutoring, counseling, and summer/bridge programs).

Each school funded for the first time in FY 1997 will also be required to carry out each of the activities specified above by not later than 12 months from receipt of award. Funds awarded to a school under the SDS program may not be used to carry out any of the above activities which the school must be doing, or must agree to do. In addition, a school will be required to continue to carry out all described activities, and also the student/faculty recruitment and retention activities, for as long as the SDS program is in operation at the school.

Evaluation Criteria for Fiscal Year 1997

For FY 1997, applications from newly participating schools will be evaluated on the degree to which the schools meet the statutory requirements listed above. Guidance for presenting the information will be provided in the FY 1997 application materials. Schools that received funds for academic year 1996–97 will be funded based on the information provided in last year's financial status report, and do not need to reapply.

Student Eligibility

As required by statute, to qualify for the SDS program, a student must:

(1) be a resident of the U. S. and either be a U. S. citizen, a U.S. national, an alien lawfully admitted for permanent residence in the U.S., a citizen of the Commonwealth of the Northern Mariana Islands, a citizen of the Commonwealth of Puerto Rico, or a citizen of the Republic of Palau, or a citizen of the Marshall Islands, or a citizen of the Federated States of Micronesia;

(2) meet the definition of an ''individual from a disadvantaged background'' as defined above; and

(3) (a) be enrolled in or accepted by an eligible school for enrollment as a full-time student; or

(b) be an undergraduate student who has demonstrated a commitment to pursuing a career in health professions, including nursing.

Statutory Preference

The law requires that in providing SDS scholarships, the school give preference to students who are from disadvantaged backgrounds and for whom the cost of attending an SDS school would constitute a severe financial hardship. Severe financial hardship will be determined by the school in accordance with standard need analysis procedures prescribed by the Department of Education for its Federal student aid programs.

The following Criteria for Undergraduate Students, Definitions, Methodology for Implementing the Statutory Special Consideration, the Nonstatutory Special Consideration for Baccalaureate Nursing Programs, and the Procedures for Calculating Scholarship Awards were established in FY 1991 after public comment (at 56 FR 49779) on October 1, 1991, and are being extended in FY 1997. The Funding Preference and Priority were established in FY 1994 after public comment (at 59 FR 44740) on August 30, 1994, and are being extended in FY 1997.

Criteria for Undergraduate Students

In the instance of (3)(b) above, it has been established that the undergraduate students eligible for scholarships must be at feeder schools and have signed statements that they are interested in health professions or nursing careers.

Definitions

''Black'' means a person having origins in any of the black racial groups of Africa.

''Hispanic'' means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

''American Indian or Alaskan Native'' means a person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliation or community recognition.

Definitions listed above are contained in Directive No. 15 of Office of Management and Budget Circular No. A–46, dated May 3, 1974.

''Native American'' as defined in Pub. L. 101–527, means American Indian, Alaskan Native, Aleut, or Native Hawaiian.

''Minority'' with respect to faculty, refers to Blacks, Hispanics, Native Americans, Filipinos, Koreans, Pacific Islanders, and Southeast Asians whose percentage among the total supply of practitioners in the applicable health profession is below that group's percentage in the total population.

Methodology for Implementing the Statutory Special Consideration

In accordance with the statute, in making awards under section 737(a), the Secretary shall give special consideration to eligible schools that have enrollments of underrepresented minorities above the national average for its particular discipline.

For purposes of determining eligibility of a school, Asians will not be included in the definition of underrepresented minorities for the school. Although certain Asian subgroups (i.e, Filipinos, Koreans, Pacific Islanders, and Southeast Asians) are considered to be underrepresented in the health professions and are included as minorities for purposes of program requirements relating to faculty recruitment and retention (see above), national data on these subgroups are not available as a basis for establishing national average enrollment of underrepresented minorities.

For purposes of the FY 1997 award cycle, the national average enrollments of Blacks, Hispanics, and Native Americans (in combination) are: for medicine 15.2 percent; osteopathic medicine 7.9 percent; nursing (RN only) 13.6 percent; dentistry 12.0 percent; pharmacy 11.5 percent; optometry 9.1 percent; podiatric medicine 9.6 percent; veterinary medicine 5.8 percent; public

health 17.1 percent; allied health 18.2 percent; and clinical psychology 18 percent.

Nonstatutory Special Consideration for Baccalaureate Nursing Programs

Among schools of nursing, additional special consideration will be given to baccalaureate programs. One of the distinguishing features of baccalaureate education is the substantial focus on preparation for community health practice. Training nurses for community health practice is an integral component of the Department's access strategy.

It is not required that new applicants request consideration for a funding factor. Applications from new schools which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Procedures for Calculating Awards

Awards to eligible schools will be calculated by comparing the enrollment of disadvantaged students in each eligible school with the total enrollment of the disadvantaged students in all eligible schools.

A school with an enrollment of underrepresented minority students which is above the national average (for each discipline) will be given double credit (i.e., its enrollment of disadvantaged students would be doubled for awarding purposes). A baccalaureate nursing school will be given double credit. A baccalaureate nursing school with an underrepresented minority enrollment above the national average will be given quadruple credit (i.e., its enrollment of disadvantaged students will be multiplied by four for awarding purposes).

Other Consideration

Other funding factors may be applied in determining the funding of eligible schools.

A funding preference is defined as the funding of a specific category or group of eligible schools ahead of other categories or groups of eligible schools.

A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified criteria.

It is not required that new applicants request consideration for a funding factor. Applications from new schools which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Funding Preference and Priority

For fiscal year 1997, among allied health schools or programs, preference will be given to the following baccalaureate and graduate programs: dental hygiene, medical laboratory technology, occupational therapy, physical therapy and radiologic technology. In addition, priority among allied health applicants will be given to dental hygiene. A priority for dental hygiene will be implemented by taking the total funds allocated to the allied health disciplines in the initial allocation and recalculating this part of the allocation. Dental hygiene schools will receive double credit for their disadvantaged enrollments in the reallocation of the allied health funds.

National Health Objectives for the Year 2000

The Public Health Service 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 Scholarships for Disadvantaged Students program is related to the priority area of Academic and Community Partnership Programs. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report; Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Smoke-Free Workplace

The Public Health Service strongly encourages all award recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Application Requests

Applications are not required from schools of medicine, osteopathic medicine, dentistry, pharmacy, optometry, podiatric medicine, veterinary medicine, nursing, public health, clinical psychology and allied health which received SDS awards in FY 1996. Upon request, materials will be mailed to schools in the disciplines identified above which did not participate in the SDS program in FY 1996.

Requests for materials and questions regarding business management and program policy should be directed to: Office for Campus Based Programs, Division of Student Assistance, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8–34, 5600 Fishers Lane, Rockville, Maryland 20857. Telephone: (301) 443–4776; FAX: (301) 443–0846.

The deadline date for submitting materials from new schools is April 21, 1997. Applications shall be considered as meeting the deadline if they are either:

(1) *Received on or before* the established deadline date, or

(2) *Sent on or before* the established deadline and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications not accepted for processing will be returned to the applicant.

The materials for this program (SF 269) have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0348–0039. In addition, applicants are required to provide certification that there is at least one minority faculty member on staff at the applicant institution.

The Catalog of Federal Domestic Assistance Number for the Scholarships for Disadvantaged Students program is 93.925. This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

This program is not subject to the Public Health System Reporting Requirements.

Dated: March 13, 1997.

Ciro V. Sumaya,

Administrator.

[FR Doc. 97–7140 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–15–P

Public Health Service

Notice Regarding Section 602 of the Veterans Health Care Act of 1992—Withdrawal of Rebate Mechanism

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Section 602 of Public Law 102–585, the ''Veterans Health Care Act of 1992,'' enacted section 340B of the Public Health Service Act, ''Limitation on Prices of Drugs Purchased by Covered Entities.'' Section 340B

provides that a manufacturer who sells covered outpatient drugs to eligible (covered) entities must sign a pharmaceutical pricing agreement with the Secretary of HHS in which the manufacturer agrees to charge a price for covered outpatient drugs that will not exceed that amount determined under a statutory formula.

The purpose of this notice is to withdraw the **Federal Register** notice entitled, ''Notice Regarding Section 602 of the Veterans Health Care Act of l992—Rebate Mechanism,'' published on March 14, l997. This notice requested comments on the proposal of a rebate process for State AIDS Drug Assistance Programs receiving funds under Title XXVI of the PHS Act.

FOR FURTHER INFORMATION CONTACT: Annette Byrne, R. Ph., Director, Office of Drug Pricing, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East West Highway, 10th Floor, Bethesda, MD 20814, Phone (301) 594–4353, Fax (301) 594–4982.

SUPPLEMENTARY INFORMATION: HRSA guidance for the section 340B drug program has described only a discount process for accessing 340B pricing. Although this discount system is functioning successfully for most covered entities, some State AIDS Drug Assistance Programs (ADAPs) have drug purchasing systems that have prevented their participation in the 340B drug program. The use of a rebate mechanism (in addition to the discount mechanism) should allow these groups to access 340B pricing.

Because the rebate mechanism is only a part of a larger endeavor by HRSA to develop the 340B drug program in such a manner as to effectively reach all covered entities, the notice outlining the concept of a narrowly-focused rebate mechanism is withdrawn for further internal deliberation.

Dated: March 14, 1997.

Ciro V. Sumaya,

Administrator.

[FR Doc. 97–7142 Filed 3–20–97; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Advisory Committee on Blood Safety and Availability, Department of Health and Human Services, March 20–21, 1997, which was published in the **Federal Register** on March 3, 1997 (62 FR 9441).

This meeting will be held on April 24–25, 1997, instead of the previously stated March 20–21. The Advisory meeting remains at the same time and place, 8:30 a.m., National Institutes of Health, Warren G. Magnuson Clinical Center, Jack Masur Auditorium, 9000 Rockville Pike, Bethesda, Maryland 20892. As previously stated, this meeting will be entirely open to the public.

On April 24, the Committee will discuss hepatitis C virus (HCV) infection, its occurrence following blood transfusion, other epidemiology of HCV infection and appropriate ways of approaching the public health aspects of this infection. On April 25, the Committee will address multiple aspects of the theoretical possibility that Creutzfeldt-Jakob disease (CJD) can be transmitted by blood transfusion. For each topic, a time will be set aside for the public to comment. Prospective speakers should notify the Executive Secretary for this meeting of their wish to present and should plan for no more than 5 minutes of comments.

CONTACT: Paul R. McCurdy, M.D., Acting Executive Secretary, Advisory Committee on Blood Safety and Availability, Director, Blood Resources Program, DBDR–MSC–7950, NHLBI, NIH, Bethesda, Maryland 20892–7950. *Phone:* 301/435–0065; Fax 301/480–1060; *E-Mail:* paul__mccurdy@nih.gov.

Dated: March 17, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–7129 Filed 3–20–97; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institutes; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the following National Heart, Lung, and Blood Institutes Special Emphasis Panel.

The meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contract Person listed below in advance of the meeting.

Name of Panel: Stem Cell Transplantation in Sickle Cell Disease.

Dates of Meeting: April 30, 1997.

Time of Meeting: 10:00 a.m.

Place of Meeting: Two Rockledge Center, Rm. 9112, 6701 Rockledge Drive, Bethesda, Maryland 20892.

Agenda: To review current progress and identify future initiatives in the use of stem cell transplantation for the treatment of sickle cell disease.

Contact Person: Helena Mishoe, Ph.D., NHLBI/DBDR, Two Rockledge Center, 6701 Rockledge Drive, Rm. 10156, MSC 7950, Bethesda, Maryland 20892, (301) 435–0050.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health.)

Dated: March 17, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–7128 Filed 3–20–97; 8:45 am]

BILLING CODE 4140–01–M

Prospective Grant of Exclusive License: Replicating Tumoricidal Viral Therapy for Cancer Applications

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of a limited field of use exclusive license worldwide to practice the invention embodied in U.S. Patent Application Number 07/725,076 (issued on October 25, 1994 as U.S. Patent No. 5,358,866) entitled ''Cytosine Deaminase Negative Selection System for Gene Transfer Techniques and Therapies'' and its divisional applications 08/271,874, 08/447,580, 08/447,393, 08/445,203, 08/447,487, 08/449,627, 08/448,867, 08/449,636, and all related foreign filings, to ONYX, Inc., having a place of business in Richmond, CA (USA). The patent rights in these inventions have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. This notice modifies a previous notice of April 11, 1996 found in Volume 61, Number 71 of the **Federal Register**.

The field of use would be limited to Replicating Tumoricidal Viral Therapy for Cancer applications.

The present inventions relate to a modified bacterial gene for cytosine deaminase. Specifically, the CD gene can be used as a negative selectable

marker to transfect a targeted cell and deaminase a prodrug, 5-flourocytosine (''5FC''), into 5-flourouricil (''5FU'') which has cytotoxic effects on the targeted cell.

ADDRESSES: Requests for copies of the subject issued patent and pending patent applications, inquiries, comments and other materials relating to the contemplated license should be directed to: Mr. Larry M. Tiffany, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852; Telephone: (301) 496–7056, ext. 206; Facsimile: (301) 402–0220. A signed Confidentiality Agreement will be required to receive copies of the pending patent applications. Applications for a license to the field of use described in this Notice will be treated as objections to the contemplated license. Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before May 20, 1997 will be considered. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act, 5 U.S.C. 552.

Dated: March 11, 1997.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 97–7127 Filed 3–20–97; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meetings

Pursuant to Public Law 92–463, notice is hereby given of the Special Emphasis Panel II (SEP II) and the Center for Mental Health Services (CMHS) National Advisory Council meetings in April.

The SEP II meetings will include the review, discussion and evaluation of individual contract proposals. These discussions could reveal personal information concerning individuals associated with the proposals and confidential and financial information about an individual's proposal. These discussions may also reveal information about procurement activities exempt from disclosure by statute and trade secrets and commercial or financial information obtained from a person and privileged and confidential. Accordingly, the meetings are concerned with matters exempt from mandatory disclosure in Title 5 U.S.C. 552b(c) (3),(4), and (6) and 5 U.S.C. App. 2, § 10(d).

A summary of the meetings may be obtained from: Ms. Dee Herman, Committee Management Liaison, SAMHSA Office of Extramural Activities Review, 5600 Fishers Lane, Room 17–89, Rockville, Maryland 20857. Telephone (301)443–4783.

Substantive program information may be obtained from the individual named as Contact for the meetings listed below.

Committee Name: SAMHSA Special Emphasis Panel II.

Meeting Date: April 7, 1997.

Place: DoubleTree Hotel, Randolph Room, 1750 Rockville Pike, Rockville, MD 20852.

Closed: April 7, 1997, 9:00 a.m.–Noon.

Contact: Sandra E. Stephens, Room 17–89, Parklawn Building, Telephone: (301) 443–9915 and FAX: (301) 443–3437.

Committee Name: SAMHSA Special Emphasis Panel II.

*Meeting Date:*April 7, 1997.

Place: DoubleTree Hotel, Randolph Room, 1750 Rockville Pike, Rockville, MD 20852.

Closed: April 7, 1997, 1:00 p.m.–4:00 p.m.

Contact: Sandra E. Stephens, Room 17–89, Parklawn Building, Telephone: (301) 443–9915 and FAX: (301) 443–3437.

The CMHS National Advisory Council meeting will include an open session with a roll call, general announcements and a discussion of review procedures. Public comments are welcome during the open session. Please communicate with the individual listed as Contact below for guidance.

The meeting will also include the review, discussion and evaluation of individual contract proposals. Therefore, a portion of the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c) (3), (4) and (6) and 5 U.S.C. App. 2, Section 10(d).

An agenda for the meeting and a roster of Council members may be obtained from Ms. Patricia Gratton, Committee Management Officer, CMHS, Room 11C–26, Parklawn Building, Rockville, Maryland. Telephone (301) 443–7987.

Substantive program information may be obtained from the individual named as Contact for the meeting listed below.

Committee Name: CMHS National Advisory Council.

Meeting Dates: April 10–11, 1997.

Place: DoubleTree Hotel at Pentagon City, Arlington North and South Conference Room, 300 Army Navy Drive, Arlington, Virginia 22202.

Closed: April 10, 8:30 a.m.–9:30 a.m.

Open: April 10, 9:30 a.m.–5:00 p.m.; April 11, 9:00 a.m.—Adjournment.

Contact: Ina B. Lyons, Room 13–103, Parklawn Building, Telephone: (301) 443–7586 and FAX: (301) 443–5163.

Dated: March 17, 1997.

Jeri Lipov,

Committee Management Officer, SAMHSA.

[FR Doc. 97–7146 Filed 3–20–97; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4200–N–44]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: April 21, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total

number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 10, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Affirmative Fair Housing Marketing Plan (AFHM).

Office: Fair Housing and Equal Opportunity.

OMB Approval Number: 2529–0013.

Description of the Need for the Information and its Proposed Use: This form is required by all applicants desiring to participate in HUD's insured housing programs, both single family and multifamily. HUD uses this information to assess the adequacy of the applicant's proposed actions to carry out the Affirmative Fair Housing Marketing requirements of 24 CFR 200.600 and review compliance with these requirements under 24 CFR 108, the AFHM Compliance Regulations.

Form Number: HUD–935.2.

Respondents: Business or Other For-Profit and Not-For-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–935.2	2,500		1		1		2,500

Total Estimated Burden Hours: 2,500.

Status: Reinstatement, with changes.

Contact: Steve K. Tursky, HUD, (202) 708–287 x272; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 10, 1997.

[FR Doc. 97–7159 Filed 3–20–97; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. FR–4200–N–43]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: April 21, 1997.

ADDRESSES: Interested person are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) the title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 11, 1997.

David S. Christy,

Acting Director, Information Resources, Management, Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Public and Indian Housing: Contract Administration.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0039.

Description of the Need for the Information and its Proposed use: This information is needed because standard construction practice require public housing agencies (PHAs) to retain certain records. These records are submitted with documents used in conjunction with the award of construction contracts and the development or modernization of public housing projects.

Form Number: HUD–5372 and HUD–51000.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: On Occasion, Annually, and Recordkeeping.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Bidding Control Record	3,283		1		.50		1,642
Register of Change Orders, etc.	2,649		1		.25		674
Disputes and Claims	1,938		1		4.25		8,237
Records Findings, etc.:							

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–5372	2,694		1		1.00		2,694
HUD–51000	2,694		1		1.00		2,694

Total Estimated Burden Hours: 15,771.

Status: Reinstatement, with changes.

Contact: Andy Suski, HUD, (202) 708–4703 x4050; Joseph F. Lackey, Jr., OMB, (202) 395–7316.

Dated: March 11, 1997.

[FR Doc. 97–7160 Filed 3–20–97; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. FR–4200–N–42]

Submission for OMB Review: Comment Request

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: Comments due date: April 21, 1997.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments must be received within thirty (30) days from the date of this Notice. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey,Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–0050. This is not a tool-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: March 11, 1997.

David S. Cristy,

Acting Director, Information Resources Management Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Title of Proposal: Low-Income Public and Indian Housing Financial Statements.

Office: Public and Indian Housing.

OMB Approval Number: 2577–0067.

Description of the Need for the Information and its Proposed Use: The reports provide essential financial information on the operation of Public Housing Agencies (PHAs) and Indian Housing Authorities (IHAs). The information is used to determine if residual receipts exist and need to be paid to HUD, and to determine if account balances are correct and have been correctly closed. The information is also used to reconcile balances shown in PHAs/IHAs accounting records with HUD's accounting records.

Form Number: HUD–52295, 52595, 52596, 52598, 52599, 52603, 52656 and 53049.

Respondents: State, Local, or Tribal Government.

Frequency of Submission: Semi-Annually, Annually and One Time.

Reporting Burden:

	Number of respondents	×	Frequency of responses	×	Hours per response	=	Burden hours
HUD–52295	3,200		2		.25		1,600
HUD–52595	3,800		1		1.05		3,990
HUD–52596	3,300		1		1.21		3,993
HUD–52598	3,300		2		1.01		6,666
HUD–52599	3,300		2		1.02		6,732
HUD–52603	229		(1)		.90		206
HUD–52656	200		1		.50		100
HUD–53049	142		1		.50		71

[1] One-Time.

Total Estimated Burden Hours: 23,358.

Status: Reinstatement, with changes.

Contact: Joan DeWitt, HUD (202) 708–1872; Joseph F. Lackey, Jr., OMB (202) 395–7316.

Dated: March 11, 1997.

[FR Doc. 97–7161 Filed 3–20–97; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. FR–4124–N–30]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.)

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: ARMY: Mr. Derrick Mitchell, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–6083; (These are not toll-free numbers).

Dated: March 13, 1997.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 03/21/97

Suitable/Available Properties

Buildings (by State)

Alabama

Bldg. 3702, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340183
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3703, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340184
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3704, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340185
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, most recent use—barracks, off-site use only

Bldg. 3705, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340186
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only

Bldg. 3706, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340187
Status: Unutilized
Comment: 2975 sq. ft., 1-story wood, needs rehab, most recent use—general purpose, off-site use only

Bldg. 3707, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340188
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 3708, Fort Rucker
Ft. Rucker Co: Dale AL 36362-5138
Landholding Agency: Army
Property Number: 219340189
Status: Unutilized
Comment: 5310 sq. ft., 2-story wood, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 60101
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362-5000
Landholding Agency: Army
Property Number: 219520152
Status: Unutilized
Comment: 6082 sq. ft., 1-story, most recent use—airfield fire station, off-site use only

Bldg. 60100
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362-5000
Landholding Agency: Army
Property Number: 219520153
Status: Unutilized
Comment: 64 sq. ft., metal structure, most recent use—sentry station, off-site use only

Bldg. 60103
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362-5000
Landholding Agency: Army
Property Number: 219520154
Status: Unutilized
Comment: 12516 sq. ft., 2-story, most recent use—admin., off-site use only

Bldg. 60110
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362-5000
Landholding Agency: Army
Property Number: 219520155
Status: Unutilized
Comment: 8319 sq. ft., 1-story, most recent use—admin., off-site use only

Bldg. 60113
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362-5000
Landholding Agency: Army
Property Number: 219520156
Status: Unutilized
Comment: 4000 sq. ft., 1-story, most recent use—admin., off-site use only

Bldgs. 2802, 2805
Shell Army Heliport
Ft. Rucker Co: Dale AL 36362–
Landholding Agency: Army
Property Number: 219620662
Status: Unutilized
Comment: #2802=13,082 sq. ft., #2805=13,082 sq. ft., most recent use—admin., needs repair, off-site use only

Alaska

Bldg. 400
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440400
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, off-site use only

Bldg. 402
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440401
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood, presence of lead paint and asbestos, off-site use only

Bldg. 407
Fort Richardson
Ft. Richardson AK 99505–
Landholding Agency: Army
Property Number: 219440402
Status: Unutilized
Comment: 13056 sq. ft., 2-story wood frame, presence of lead paint and asbestos, offsite use only

Bldg. 1168
Fort Wainwright
Ft. Wainwright AK Co: Fairbanks AK 99703–
Landholding Agency: Army
Property Number: 2196610636
Status: Unutilized
Comment: 6455 sq. ft., concrete, presence of asbestos, most recent use—warehouse

Arizona

Bldg. 81001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240720
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 81020
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240722
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 67204
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240723
Status: Unutilized
Comment: 4332 sq. ft., 2 story wood frame, possible asbestos, most recent use—administrative, scheduled to become vacant in 6 months, off-site use only

Bldg. 66151
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240728
Status: Unutilized
Comment: 4194 sq. ft., 2 story wood frame, possible asbestos, most recent use—barracks, scheduled to become vacant in 6 months, off-site use only

Bldg. 67108
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240733
Status: Unutilized
Comment: 2403 sq. ft., 2 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71116
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240735
Status: Unutilized
Comment: 3470 sq. ft., 2 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 71215
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240736
Status: Unutilized
Comment: 4854 sq. ft., 2 story wood frame, possible asbestos, most recent use—classrooms, scheduled to become vacant in 6 months, off-site use only

Bldg. 70110
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240739
Status: Unutilized
Comment: 2675 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70111
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240740
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70113
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240741
Status: Unutilized
Comment: 2800 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70114
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240742
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70115
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240743
Status: Unutilized
Comment: 2544 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70123
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240744
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70124
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240745
Status: Unutilized
Comment: 3298 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 70126
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240746
Status: Unutilized
Comment: 3343 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82013
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240752
Status: Unutilized
Comment: 2193 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 90327

Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240753
Status: Unutilized
Comment: 279 sq. ft., 1 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—offices, off-site use only

Bldg. 82007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240755
Status: Unutilized
Comment: 4386 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 82009
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219240756
Status: Unutilized
Comment: 2444 sq. ft., 2 story wood frame, possible asbestos, scheduled to become vacant in 6 months, most recent use—storehouse, off-site use only

Bldg. 70217, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310293
Status: Excess
Comment: 304 sq. ft., 1 story concrete block, presence of asbestos, most recent use—storage, off-site use only

Bldg. 80010, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310294
Status: Excess
Comment: 2318 sq. ft., 1 story wood, presence of asbestos, most recent use—admin.

Bldg. 84103, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310296
Status: Excess
Comment: 984 sq. ft., 1-story, presence of asbestos and lead paint, most recent use—admin.

Bldg. 67101, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310297
Status: Excess
Comment: 2216 sq. ft., 1-story wood, presence of asbestos and lead paint, most recent use—classroom

Bldg. 30012, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219310298
Status: Excess
Comment: 237 sq. ft., 1-story block, most recent use—storage

Bldg. 67221
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 2193330235
Status: Unutilized
Comment: 1068 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 83102
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330236
Status: Unutilized
Comment: 984 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 84010
U.S. Army Intelligence Center, Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219330237
Status: Unutilized
Comment: 2147 sq. ft., 1-story wood, presence of asbestos, most recent use—office, off-site use only

Bldg. 67116
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410243
Status: Unutilized
Comment: 1784 sq. ft., 1-story; wood; most recent use—admin.; off-site use only

Bldg. 67205
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410244
Status: Unutilized
Comment: 2166 sq. ft., 2 story; wood; most recent use—admin.; off-site use only

Bldg. 67207
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410245
Status: Unutilized
Comment: 2166 sq. ft., 2 story; wood; most recent use—admin.; off-site use only

Bldg. 67213
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410246
Status: Unutilized
Comment: 2594 sq. ft., 1 story; wood; most recent use—admin.; off-site use only

Bldg. 73913
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410247
Status: Unutilized
Comment: 910 sq. ft., 1 story; wood; most recent use—admin.; off-site use only

Bldg. 80001
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410248
Status: Unutilized
Comment: 1958 sq. ft., 2 story; wood; most recent use—admin.; off-site use only

Bldg. 83027
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410249
Status: Unutilized
Comment: 1993 sq. ft., 2 story; wood; most recent use—admin.; off-site use only

Bldg. 84007
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410250
Status: Unutilized
Comment: 2000 sq. ft., 2 story; wood; most recent use—admin.; off-site use only

Bldg. 68320
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219410251
Status: Unutilized
Comment: 1531 sq. ft., 1 story; wood; most recent use—recreation center; off-site use only

Bldg. 30126
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219410252
Status: Unutilized
Comment: 9324 sq. ft., 1-story; wood; most recent use—maintenance; off-site use only

Bldg. 84014
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219410253
Status: Unutilized
Comment: 2260 sq. ft., 1-story; wood; most recent use—maintenance; off-site use only

Bldg. S–106
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420345
Status: Unutilized
Comment: 1101 sq. ft., 1-story; cold storage bldg., needs repair

Bldg. 67210, 67217
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219420347
Status: Unutilized
Comment: 1165 sq. ft., 1-story wood; presence of asbestos, most recent use—office, off-site use only

Bldg. 80005
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430245
Status: Unutilized
Comment: 1718 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 80006
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430246
Status: Unutilized
Comment: 1628 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 83023
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430247
Status: Unutilized
Comment: 1648 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 81027
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430248
Status: Unutilized
Comment: 2193 sq. ft., 2-story, wood frame, most recent use—admin., needs repairs, off-site use only

Bldg. 81028
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430249
Status: Unutilized
Comment: 2193 sq. ft., 2-story, wood frame, most recent use—admin., needs repair, off-site use only

Bldg. 80111
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219430250
Status: Unutilized
Comment: 2032 sq. ft., 1-story, wood frame, most recent use—instructional bldg., needs repair, off-site use only

Bldg. 503, Yuma Proving Ground
Yuma Co: Yuma AZ 85365–9104
Landholding Agency: Army
Property Number: 219520073
Status: Unutilized
Comment: 3789 sq. ft., 2-story, major structural changes required to meet floor loading & fire code requirements, presence of asbestos

9 Classroom Facilities
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Location: Bldgs. 67111, 67118, 67124, 67209, 81005, 81006, 81008, 83024, 84003
Landholding Agency: Army
Property Number: 219520158
Status: Excess
Comment: 1044–2602 sq. ft., 1-2 story, presence of asbestos and lead base paint, off-site use only

Bldg. 67214
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Landholding Agency: Army
Property Number: 219520159
Status: Excess
Comment: 955 sq. ft., 1-story, most recent use—rec. bldg., presence of asbestos & lead base paint, off-site use only

2 Storage Facilities
Fort Huachuca
Sierra Vista Co: Cochise, AZ 85635–
Location: Bldgs. 72320, 80017
Landholding Agency: Army
Property Number: 219520160
Status: Excess
Comment: 2340 sq. ft., 1-2 story, presence of asbestos & lead base paint, off-site use only

10 Admin. Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 80025, 80027, 80028, 80102, 81002, 81009, 81102, 83025, 83026, 84008
Landholding Agency: Army
Property Number: 219520161
Status: Excess
Comment: 996–2193 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

12 Admin. Facilities
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 67110, 67114, 67115, 67121, 67122, 67226, 67228, 70122, 80008, 80009, 80013, 80024
Landholding Agency: Army
Property Number: 219520162
Status: Excess
Comment: 1041–3298 sq. ft., 1–2 story, presence of asbestos and lead base paint, off-site use only

10 Barracks
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: Bldgs. 67102–67106, 67125–67129
Landholding Agency: Army
Property Number: 219520163
Status: Excess
Comment: 1352–2291 sq. ft., 2–story, presence of asbestos and lead base paint, off-site use only

Bldg. 73902
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219610638
Status: Unutilized
Comment: 5355 sq. ft., presence of asbestos, most recent use—maintenance, off-site use only

9 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 82002, 82027, 82028, 83021, 83022, 85008, 85009, 85027, 85028
Landholding Agency: Army
Property Number: 219610639
Status: Unutilized
Comment: various sq. ft., presence of asbestos, most recent use—off-site use only

Bldg. 85005
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219610640
Status: Unutilized
Comment: 3515 sq. ft., presence of asbestos, most recent use—dining off-site use only

21 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 66057, 66152–66155, 66157–66159, 67201, 80020, 82105, 82106, 83013, 83017, 83020, 84002, 84017, 85015, 85017, 85102, 85105
Landholding Agency: Army
Property Number: 219610641
Status: Unutilized
Comment: various sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 66055
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219610642
Status: Unutilized
Comment: 1946 sq. ft., presence of asbestos, most recent use—recreation, off-site use only

7 Bldgs.
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Location: 71210, 71211, 80002, 80014, 82005, 82006, 85103
Landholding Agency: Army
Property Number: 219610644
Status: Unutilized
Comment: various sq. ft., presence of asbestos, most recent use—classrooms, off site use only

Bldgs. 13548, 72918
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219620663
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
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219630124
Status: Unutilized
Comment: 5888 sq. ft., possible asbestos, most recent use—classroom, off-site use only

Bldg. 66156
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640196
Status: Unutilized
Comment: 2014 sq. ft., presence of asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. 71922
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640197
Status: unutilized
Comment: 1013 sq. ft., presence of asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. 41410
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640508
Status: Unutilized
Comment: 582 sq. ft., presence of lead base paint, most recent use—off-site use only

Bldg. 71916
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640509
Status: Unutilized
Comment: 1225 sq. ft., presence of asbestos/lead based paint, most recent use—storage, off-site use only

11 Bldgs., Fort Huachuca #31209, 31210, 31211, 81104, 82001, 82010, 84025, 84026, 84027, 84028, 84105

Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219640510
Status: Unutilized
Comment: various sq. ft., presence of asbestos/lead base paint, off-site use only

California

Stevens Hall
U.S. Army Reserve Center
Modesto Co: Stanislaus CA 95351–0408
Landholding Agency: Army
Property Number: 219640511
Status: Unutilized
Comment: 12836 sq. ft., most recent use—office/training

Colorado

Bldg. T–106
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630125
Status: Unutilized
Comment: 25749 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—storage, off-site use only

Bldg. T–222
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630126
Status: Unutilized
Comment: 2750 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—storage, off-site use only

Bldg. P–1008
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630127
Status: Unutilized
Comment: 3362 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—service outlet, off-site use only

Bldg. T–1302
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630128
Status: Unutilized
Comment: 18259 sq. ft., possible asbestos/lead based paint, most recent use—maintenance shop, off-site use only

Bldg. T–1401
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630129
Status: Unutilized
Comment: 327 sq. ft., poor condition, most recent use—storehouse, off-site use only

Bldg. T–1441
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630130
Status: Unutilized
Comment: 1500 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. T–1827
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630132
Status: Unutilized
Comment: 2488 sq. ft., poor condition, possible asbestos, most recent use—service outlet, off-site use only

Bldg. T–2438
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630133
Status: Unutilized
Comment: 4020 sq. ft., fair condition,most recent use—instruction bldg., off-site use only

Bldg. 2739
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630134
Status: Unutilized
Comment: 3880 sq. ft., possible asbestos, most recent use—maintenance shop, off-site use only

Bldg. T–2946
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630135
Status: Unutilized
Comment: 5830 sq. ft., poor condition, possible asbestos, most recent use—maintenance shop, off-site use only

Bldg. T–6043
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630136
Status: Unutilized
Comment: 10225 sq. ft., poor condition, possible asbestos, most recent use—storage, off-site use only

Bldg. T–6052
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630137
Status: Unutilized
Comment: 4458 sq. ft., poor condition, possible asbestos, most recent use—maintenance shop, off-site use only

Bldg. T–6084
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630138
Status: Unutilized
Comment: 10183 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—training, off-site use only

Bldg. T–6089
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630139
Status: Unutilized
Comment: 3150 sq. ft., poor condition, possible asbestos, most recent use—service outlet, off-site use only

Bldg. S–6221
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630140
Status: Unutilized
Comment: 5798 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—warehouse, off-site use only

Bldg. S–6226
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630141
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6229
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630142
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
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630143
Status: Unutilized
Comment: 13154 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6235
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630144
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6240
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630145
Status: Unutilized
Comment: 9985 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6241
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630146
Status: Unutilized
Comment: 10038 sq. ft., poor condition, possible asbestos/lead based paint, off-site use only

Bldg. S–6243
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630147
Status: Unutilized
Comment: 12745 sq. ft., poor condition, possible asbestos/lead based paint, most recent use—storage, off-site use only

Bldgs. 6244, 6247
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630148
Status: Unutilized

Comment: fair condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldgs. S–6245, S–6246
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630149
Status: Unutilized
Comment: fair condition, possible asbestos/lead based paint, most recent use—barracks, off-site use only

Bldgs. S–6248, S–6249
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630150
Status: Unutilized
Comment: poor condition, possible asbestos/lead based paint, most recent use—admin., off-site use only

Bldg. S–6251
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630151
Status: Unutilized
Comment: 11906 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—recreation, off-site use only

Bldg. S–6260
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630152
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
Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219630153
Status: Unutilized
Comment: 7778 sq. ft., fair condition, possible asbestos/lead based paint, most recent use—storage, off-site use only

Georgia

Bldg. 5390
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010137
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5362
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010147
Status: Unutilized
Comment: 5559 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5392
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010151
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219010152
Status: Unutilized
Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 4487
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011681
Status: Unutilized
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011683
Status: Unutilized
Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011694
Status: Unutilized
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 2285
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011704
Status: Unutilized
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldg. 4092
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011709
Status: Unutilized
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219011710
Status: Unutilized
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 1235
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014887
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1236
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014888
Status: Unutilized
Comment: 9367 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014889
Status: Unutilized
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 4491
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014916
Status: Unutilized
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4633
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219014919
Status: Unutilized
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 2150
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120258
Status: Unutilized
Comment: 3909 sq. ft.; 1 story, needs rehab; most recent use—general inst. bldg.

Bldg. 2409
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120263
Status: Unutilized
Comment: 9348 sq. ft.; 1 story building; needs rehab; most recent use—general purpose warehouse.

Bldg. 2590
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120265
Status: Unutilized
Comment: 3132 sq. ft.; 1 story; needs rehab; most recent use—vehicle maintenance shop.

Bldg. 3828
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219120266
Status: Unutilized
Comment: 628 sq. ft.; 1 story; needs rehab; most recent use—general storehouse.

Bldg. 3086, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220689
Status: Unutilized
Comment: 4720 sq. ft.; 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 3089, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220689
Status: Unutilized
Comment: 4720 sq. ft., 2 story, most recent use—barracks, needs major rehab, off-site removal only.

Bldg. 1252, Fort Benning
Fort Benning Co: Muscogee GA 31905–

Landholding Agency: Army
Property Number: 219220694
Status: Unutilized
Comment: 583 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 1733, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220698
Status: Unutilized
Comment: 9375 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3083, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220699
Status: Unutilized
Comment: 1372 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 3856, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220703
Status: Unutilized
Comment: 4111 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4881, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220707
Status: Unutilized
Comment: 2449 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 4963, Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220710
Status: Unutilized
Comment: 6077 sq. ft.; 1 story, most recent use—storehouse, needs major rehab, off-site removal only.

Bldg. 2396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220712
Status: Unutilized
Comment: 9786 sq. ft., 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 3085, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220715
Status: Unutilized
Comment: 2253 sq. ft. 1 story, most recent use—dining facility, needs major rehab, off-site removal only.

Bldg. 4882, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220727
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, needs repairs, off-site removal only.

Bldg. 4967, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220728
Status: Unutilized
Comment: 6077 sq. ft., 1 story, most recent use—storage, need repairs, off-site removal only.

Bldg. 5396, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220734
Status: Unutilized
Comment: 10944 sq. ft., 1 story, most recent use—general instruction bldg., needs major rehab, off-site removal only.

Bldg. 247, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220735
Status: Unutilized
Comment: 1144 sq. ft., 1 story, most recent use—offices, needs major rehab, off-site removal only.

Bldg. 4977, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220736
Status: Unutilized
Comment: 192 sq. ft., 1 story, most recent use—offices, need repairs, off-site removal only.

Bldg. 4944, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220747
Status: Unutilized
Comment: 6400 sq. ft., 1 story, most recent use—vehicle maintenance shop, need repairs, off-site removal only.

Bldg. 4960, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220752
Status: Unutilized
Comment: 3335 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 4969, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220753
Status: Unutilized
Comment: 8416 sq. ft., 1 story, most recent use—vehicle maintenance shop, off-site removal only.

Bldg. 1758, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220755
Status: Unutilized
Comment: 7817 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 3817, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220758
Status: Unutilized
Comment: 4000 sq. ft., 1 story, most recent use—warehouse, needs major rehab, off-site removal only.

Bldg. 4884, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220762
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4964, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220763
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4966, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219220764
Status: Unutilized
Comment: 2000 sq. ft., 1 story, most recent use—headquarters bldg., need repairs, off-site removal only.

Bldg. 4679, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220767
Status: Unutilized
Comment: 8657 sq. ft., 1 story, most recent use—supply bldg., needs major rehab, off-site removal only.

Bldg. 4883, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220768
Status: Unutilized
Comment: 2600 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 4965, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220769
Status: Unutilized
Comment: 7713 sq. ft., 1 story, most recent use—supply bldg., needs repairs, off-site removal only.

Bldg. 2513, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220770
Status: Unutilized
Comment: 9483 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2526, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220771
Status: Unutilized
Comment: 11855 sq. ft., 1 story, most recent use—training center, needs major rehab, off-site removal only.

Bldg. 2589, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220772
Status: Unutilized
Comment: 146 sq. ft., 1 story, most recent use—training bldg., needs major rehab, off-site removal only.

Bldg. 4945, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220779
Status: Unutilized
Comment: 220 sq. ft., 1 story, most recent use—gas station, needs major rehab, off-site removal only.

Bldg. 4979, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220780
Status: Unutilized
Comment: 400 sq. ft., 1 story, most recent use—oil house, needs repairs, off-site removal only.

Bldg. 4627, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219220786
Status: Unutilized
Comment: 1676 sq. ft., 1 story, most recent use—sentry station, needs major rehab, off-site removal only.

Bldg. 4114, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310407
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4117, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310408
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4118, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310409
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab., most recent use—barracks, off-site use only.

Bldg. 4125, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310410
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4126, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310411
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4129, Fort Benning
Ft. Benning Co: Muscognee GA 31905–
Landholding Agency: Army
Property Number: 219310412
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only.

Bldg. 4130, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310413
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4137, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310414
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4138, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310415
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4140, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310416
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4004, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310418
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4106, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310425
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4115, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310426
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4116, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310427
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4127, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310428
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4128, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310429
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4139, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310430
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4149, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310431
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4150, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310432
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—barracks, off-site use only

Bldg. 4112, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310436
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4119, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310437
Status: Unutilized
Comment: 1144 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4124, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310438
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4141, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310439
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4136, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310440
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4131, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310441
Status: Unutilized
Comment: 1144 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4108, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310442
Status: Unutilized
Comment: 1171 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 1835, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310443
Status: Unutilized
Comment: 1712 sq. ft., 1-story, needs rehab, most recent use—day room, off-site use only

Bldg. 4107, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army

Property Number: 219310446
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—day room, off-site use only

Bldg. 3072, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310447
Status: Unutilized
Comment: 479 sq. ft., 1-story, needs rehab, most recent use—hdqtrs. bldg., off-site use only

Bldg. 4103, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310449
Status: Unutilized
Comment: 1635 sq. ft., 1-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4019, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310451
Status: Unutilized
Comment: 3270 sq. ft., 2-story, needs rehab, most recent use—hdqtrs bldg., off-site use only

Bldg. 4109, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310455
Status: Unutilized
Comment: 2253 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4135, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310458
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4123, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310459
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4111, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310460
Status: Unutilized
Comment: 3755 sq. ft., 1-story, needs rehab, most recent use—dining facility, off-site use only

Bldg. 4023, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310461
Status: Unutilized
Comment: 2269 sq. ft., 1-story, needs rehab, most recent use—maintenance shop, off-site use only

Bldg. 4024, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21931046
Status: Unutilized
Comment: 3281 sq. ft., 1-story, need rehab, most recent use—maintenance shop, off-site use only

Bldg. 4067, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310465
Status: Unutilized
Comment: 4406 sq. ft., 1-story, needs rehab, most recent use—admin. off-site use only

Bldg. 4110, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310467
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4122, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310468
Status: Unutilized
Comment: 1017 sq. ft., 1-story, need rehab, most recent use—storehouse, off-site use only

Bldg. 4134, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310469
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—storehouse, off-site use only

Bldg. 4113, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310473
Status: Unutilized
Comment: 4425 sq. ft., 2-story, needs rehab, most recent use—storage, off-site use only

Bldg. 10847, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310476
Status: Unutilized
Comment: 1056 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 10768, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310477
Status: Unutilized
Comment: 1230 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 2683, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310478
Status: Unutilized
Comment: 1816 sq. ft., 1-story, needs rehab, most recent use—scout bldg., off-site use only

Bldg. 4121, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310487
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4133, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310488
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4143, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310489
Status: Unutilized
Comment: 1017 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 4105, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219310490
Status: Unutilized
Comment: 1416 sq. ft., 1-story, needs rehab, most recent use—arms bldg., off-site use only

Bldg. 26306
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219320225
Status: Unutilized
Comment: 1272 sq. ft., 1-story wood frame, possible asbestos, need repairs, off-site use only, most recent use—storage.

Bldg. 354, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330259
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 355, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330260
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 356, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330261
Status: Unutilized
Comment: 4237 sq. ft., 1-story wood, possible termite damage, needs repair, most recent use—offices, off-site use only

Bldg. 377, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330263
Status: Unutilized
Comment: 4768 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19601, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330268
Status: Unutilized
Comment: 2132 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—offices, off-site use only

Bldg. 19602, Fort Gordon

Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330269
Status: Unutilized
Comment: 1555 sq. ft., 1-story wood, presence of asbestos, most recent use—offices, off-site use only

Bldg. 35503, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330277
Status: Unutilized
Comment: 2500 sq. ft., 1-story wood, needs rehab, most recent use—offices, off-site use only

Bldg. 332, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330289
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 333, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330290
Status: Unutilized
Comment: 5340 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 334, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330291
Status: Unutilized
Comment: 4279 sq. ft., 1-story wood, possible termite damage, presence of asbestos, most recent use—medical admin., off-site use only

Bldg. 335, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330292
Status: Unutilized
Comment: 4300 sq. ft., 1-story wood, possible termite damage, needs repair, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 353, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330293
Status: Unutilized
Comment: 5157 sq. ft., 1-story wood, presence of asbestos, most recent use—laboratory, off-site use only

Bldg. 352, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219330294
Status: Unutilized
Comment: 560 sq. ft., 1-story metal, presence of asbestos, most recent use—equip. storage, off-site use only

Bldg. 10501, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410264
Status: Unutilized
Comment: 2516 sq. ft., 1 story; wood; needs rehab.; most recent use—office; off-site use only.

Bldg. 10601, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410265
Status: Unutilized
Comment: 1334 sq. ft., 1 story; wood; most recent use—office; off-site use only

Bldg. 20303, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410266
Status: Unutilized
Comment: 2736 sq. ft., 1 story; wood; needs rehab.; most recent use—office; off-site use only

Bldg. 11813
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410269
Status: Unutilized
Comment: 70 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 21314
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410270
Status: Unutilized
Comment: 85 sq. ft.; 1 story; metal; needs rehab.; most recent use—storage; off-site use only

Bldg. 951
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410271
Status: Unutilized
Comment: 17,825 sq. ft.; 1 story; wood; needs rehab.; most recent use—workshop; off-site use only

Bldg. 12809
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410272
Status: Unutilized
Comment: 2788 sq. ft.; 1 story; wood; needs rehab.; most recent use—maintenance shop; off-site use only

Bldg. 10306
Fort Gordon
Fort Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219410273
Status: Unutilized
Comment: 195 sq. ft.; 1 story; wood; most recent use—oil storage shed; off-site use only

Bldg. T–305, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219510103
Status: Excess
Comment: 2340 sq. ft.; 1-story; most recent use—hosp. clinic, need rehab, off-site use only

Bldg. T–1414
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219510106
Status: Excess
Comment: 2000 sq. ft.; 1-story; most recent use—office, need rehab, off-site use only

Bldg. 2813, Ft. Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Number: Army
Property Number: 219520074
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—admin., needs major repair, off-site use only

Bldg. 401
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520076
Status: Unutilized
Comment: 5167 sq. ft., 1-story, needs major repair, most recent use—office, off-site use only

Bldg. T–901
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520077
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin, off-site use only

Bldg. T–902
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219520078
Status: Unutilized
Comment: 1828 sq. ft., 1-story, needs major repair, most recent use—admin, off-site use only

Bldg. 51202, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520080
Status: Unutilized
Comment: 1555 sq. ft., 1-story, needs repair, presence of lead paint, most recent use—office, off-site use only

Bldg. 61401 and 91501
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520132
Status: Unutilized
Comment: 7036 sq. ft. each, 2-story, needs rehab, presence of asbestos & lead base paint, most recent use—barracks, off-site use only

Bldg. 2814, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520133
Status: Unutilized
Comment: 40536 sq. ft., 4-story, most recent use—barracks w/dining, needs major repair, off-site use only

Bldg. 90, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520165
Status: Unutilized
Comment: 25065 sq. ft., 1-story, needs rehab, most recent use—theater, off-site use only

Bldg. 1755, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520170

Status: Unutilized
Comment: 3142 sq. ft., needs rehab, most recent use—maint. shop, off-site use only

Bldg. 4051, Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219520175
Status: Unutilized
Comment: 967 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. A1618, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520184
Status: Unutilized
Comment: 2800 sq. ft., 1-story, needs rehab, most recent use—storage, presence of asbestos & lead base paint, off-site use only

Bldg. 61404, Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219520185
Status: Unutilized
Comment: 3428 sq. ft., 1-story, most recent use—maint. shop, needs rehab, presence of asbestos & lead base paint, off-site use only

Bldg. B1201
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610649
Status: Unutilized
Comment: 980 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 2141
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219610655
Status: Unutilized
Comment: 2283 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 34300
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219620664
Status: Unutilized
Comment: 2525 sq. ft., most recent use—auto svc store, possible asbestos, off-site use only

Bldg. T–425
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219630155
Status: Unutilized
Comment: 1367 sq. ft., needs major rehab, most recent use—storage, off-site use only

Bldg. S–5608
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630159
Status: Unutilized
Comment: 2688 sq. ft., fair condition,, most recent use—admin., off-site use only

Bldg. S–7332
Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219630160
Status: Unutilized
Comment: 1140 sq. ft., fair condition, most recent use—admin., off-site use only

Bldg. T–202
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219630161
Status: Unutilized
Comment: 2444 sq. ft., needs rehab,, most recent use—admin., off-site use only

Bldg. T–336
Hunter Army Airfield
Savannah Co: Chatham GA 31409–
Landholding Agency: Army
Property Number: 219640512
Status: Unutilized
Comment: 2284 sq. ft., needs major repair, most recent use—admin., off-site use only

Hawaii

P–88
Aliamanu Military Reservation
Honolulu Co: Honolulu HI 96818–
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Landholding Agency: Army
Property Number: 219030324
Status: Unutilized
Comment: 45,216 sq. ft. underground tunnel complex, pres. of asbestos clean-up required of contamination, use of respirator required by those entering property, use limitations

Bldg. S–823
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219520082
Status: Unutilized
Comment: 3150 sq. ft., 2-story wood frame, most recent use—office, off-site use only

Bldg. P–125
Tripler Army Medical Center
Honolulu Co: Honolulu HI 96859–5000
Landholding Agency: Army
Property Number: 219540013
Status: Excess
Comment: 7987 sq. ft., need major repairs, most recent use—boiler plant, off-site use only

Bldg. T–1191
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219610663
Status: Unutilized
Comment: 7186 gross sq. ft., termite damage, most recent use—range support, off-site use only

Bldg. P–A3025
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219610665
Status: Unutilized
Comment: 1093 gross sq. ft., termite damage, most recent use—storage, off-site use only

Bldg. S–571
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219620654
Status: Unutilized
Comment: 10,053 sq. ft., most recent use—classroom, off-site use only

Bldg. S–570
Wheeler Army Airfield
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219620656
Status: Unutilized
Comment: 60 sq. ft., most recent use—ticket booth, off-site use only

Bldg. T–723
Fort Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219620657
Status: Unutilized
Comment: 1751 sq. ft., most recent use—store house, off-site use only

Bldg. T–1629
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219620658
Status: Unutilized
Comment: 3287 sq. ft., most recent use—storage, possible termite infestation, off-site use only

Bldg. T–489
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219620659
Status: Unutilized
Comment: 6120 sq. ft., most recent use—storage, needs repair, off-site use only

Bldg. T–310
Fort Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219620660
Status: Unutilized
Comment: 400 sq. ft., most recent use—storage, off-site use only

Bldg. P–6082
Fort Shafter
Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219630162
Status: Unutilized
Comment: 42 sq. ft., most recent use—storage, off-site use only

Bldg. P–2604
Schofield Barracks Military Reservation
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219630163
Status: Unutilized
Comment: 112 sq. ft., most recent use—storage, off-site use only

Bldg. T–587
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640198
Status: Unutilized
Comment: 3448 sq. ft., most recent use—office, off-site use only

Bldg. P–591
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640199
Status: Unutilized
Comment: 800 sq. ft., most recent use—storage, off-site use only

Bldg. P–592
Schofield Barracks
Wahiawa HI 96786–

Landholding Agency: Army
Property Number: 219640200
Status: Unutilized
Comment: 800 sq. ft., most recent use—storage, off-site use only

Bldg. T–675A
Schofield Barracks
Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219640202
Status: Unutilized
Comment: 4365 sq. ft., most recent use—office, off-site use only

Bldg. T–337
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219640203
Status: Unutilized
Comment: 132 sq. ft., most recent use—storage, off-site use only.

Bldg. T–527
Fort Shafter
Honolulu Co: Honolulu HI 96819–
Landholding Agency: Army
Property Number: 219640204
Status: Unutilized
Comment: 4131 sq. ft., most recent use—training center, off-site use only

Illinois

WARD Army Reserve Center
1429 Northmoor Road
Peoria Co: Peoria IL 61614–3498
Landholding Agency: Army
Property Number: 219430254
Status: Unutilized
Comment: 2 bldgs. on 3.15 acres, 36451 sq. ft., reserve center & warehouse, presence of asbestos, most recent use—office/storage/training

Stenafich Army Reserve Center
1600 E. Willow Road
Kankakee Co: Kankakee IL 60901–2631
Landholding Agency: Army
Property Number: 219430255
Status: Unutilized
Comment: 2 bldgs.—reserve center & vehicle maint. shop on 3.68 acres, 5641 sq. ft., most recent use—office/storage/training, presence of asbestos

Bldg. 54
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number 219620666
Status: Unutilized
Comment: 2000 sq. ft., most recent use—oil storage, needs repair, off-site use only

Indiana

Bldg. 41, USARC Brann
Rushville Co: Rush IN 46173–
Landholding Agency: Army
Property Number: 219610667
Status: Unutilized
Comment: 10820 sq. ft., presence of asbestos, most recent use—office/storage/training

Bldg. 42, USARC Brann
Rushville Co: Rush IN 46173–
Landholding Agency: Army
Property Number: 219610668
Status: Unutilized
Comment: 2464 sq. ft., presence of asbestos, most recent use—vehicle maintenance shop

Bldg. 27, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 219610669
Status: Unutilized
Comment: 10379 sq. ft., presence of asbestos, most recent use—office/storage/training

Bldg. 36, USARC Paulsen
North Judson Co: Starke IN 46366–
Landholding Agency: Army
Property Number: 219610670
Status: Unutilized
Comment: 1802 sq. ft., presence of asbestos, most recent use—vehicle maintenance

Kansas

Bldg. T–2549, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219310251
Status: Unutilized
Comment: 3082 sq. ft., 1-story wood, frame, needs rehab, presence of asbestos, most recent use—storage

Bldg. 166, Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219410325
Status: Unutilized
Comment: 3803 sq. ft., 3-story brick residence, needs rehab, presence of asbestos, located within National Registered Historic District

Bldg. 184, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219430146
Status: Unutilized
Comment: 1959 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—boiler plant, historic district

Bldg. P–313, Fort Riley
Ft. Riley KS 66442–
Landholding Agency: Army
Property Number: 219620668
Status: Unutilized
Comment: 6222 sq. ft., most recent use—admin. bldg., needs repair, possible asbestos

Kentucky

Bldg. 2634
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610681
Status: Unutilized
Comment: 5310 sq. ft., possible asbestos, most recent use—admin., off-site use only

Bldg. 2713
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610684
Status: Unutilized
Comment: 5310 sq. ft. needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 2642
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610701
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 2632
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219620669
Status: Unutilized
Comment: 5310 sq. ft., most recent use—admin., possible asbestos, off-site use only

Louisiana

Bldg. 7316, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620676
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ Transient

Bldg. 7315, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620677
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ Transient

Bldg. 7314, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620678
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ Transient

Bldg. 7313, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620679
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ Transient

Bldg. 7312, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620680
Status: Underutilized
Comment: 507 sq. ft., most recent use—BOQ Transient

Bldg. 7311, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620681
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient

Bldg. 7310, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620682
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient

Bldg. 7309, Fort Polk
Ft. Polk Co: Vernon LA 71459–
Landholding Agency: Army
Property Number: 219620683
Status: Underutilized
Comment: 643 sq. ft., most recent use—BOQ Transient, needs repair

Bldg. 5917 A, B, C, D
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219630164
Status: Unutilized

Comment: 3902 sq. ft., family housing, needs rehab

Bldg. 7805, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640513
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7806, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640514
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7807, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640515
Status: Unutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7808, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640516
Status: Underutilized
Comment: 4172sq. ft., 2-story, most recent use—barracks

Bldg. 7809, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640517
Status: Underutilized
Comment: 4172 sq. ft., 2-story most recent use—barracks

Bldg. 7810, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640518
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7811, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640519
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7813, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640520
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7814, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640521
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7815, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640522
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 7816, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640523
Status: Underutilized
Comment: 4172 sq. ft., 2-story, most recent use—barracks

Bldg. 8405, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640524
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8407, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640525
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8408, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640526
Status: Underutilized
Comment: 2055 sq. ft., most recent use—admin.

Bldg. 8414, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640527
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8423, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640528
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8424, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640529
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8426, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640530
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8427, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640531
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8428, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640532
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8429, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640533
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8430, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640534
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8431, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640535
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8432, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640536
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8433, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640537
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8446, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640538
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8449, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640539
Status: Underutilized
Comment: 2093 sq. ft., most recent use—office

Bldg. 8450, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640540
Status: Underutilized
Comment: 2093 sq. ft., most recent use—admin.

Bldg. 8457, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640541
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8458, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640542
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8459, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640543
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8460, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640544

Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8461, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640545
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8462, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640546
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8463, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640547
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8501, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640548
Status: Underutilized
Comment: 1687 sq. ft., most recent use—office

Bldg. 8502, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640549
Status: Underutilized
Comment: 1029 sq. ft., most recent use—office

Bldg. 8540, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640550
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8541, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640551
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8542, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640552
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8543, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640553
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8544, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640554
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8545, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640555
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8546, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640556
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8547, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640557
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8548, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640558
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Bldg. 8549, Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219640559
Status: Underutilized
Comment: 4172 sq. ft., most recent use—barracks

Maryland

Bldg. E5878
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–5425
Landholding Agency: Army
Property Number: 219012652
Status: Unutilized
Comment: 213 sq. ft.; structural deficiencies; possible abestos; and contamination.

Bldg. E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–5425
Landholding Agency: Army
Property Number: 219012653
Status: Unutilized
Comment: 213 sq. ft.; possible asbestos and contamination; no utilities; most recent use—igloo storage

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–5425
Landholding Agency: Army
Property Number: 219012666
Status: Unutilized
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5975
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Hartford MD 21010–5425
Landholding Agency: Army
Property Number: 219012677
Status: Unutilized
Comment: 650 sq. ft.; possible contamination; structure deficiencies most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 6687
Fort George G. Meade
Mapes and Zimbroski Roads
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219220446
Status: Unutilized
Comment: 1150 sq. ft., presence of asbestos, wood frame, most recent use—veterinarian clinic, off-site removal only, sched. to be vacated 10/1/92.

Bldgs. 2251, 2252
Fort Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219430180
Status: Unutilized
Comment: 648 & 3594 sq. ft., 1-story, concrete/metal structure, needs rehab, presence of asbestos, most recent use—heating plant and admin.

Bldg. E4144
Aberdeen Proving Ground
Aberdeen Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219540001
Status: Unutilized
Comment: 1632 sq. ft., concrete frame bath house, 1 story, presence of asbestos and lead paint

Missouri

Bldg. T599
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230260
Status: Underutilized
Comment: 18270 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T1311
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219230261
Status: Underutilized
Comment: 2740 sq. ft., 1-story, presence of asbestos, most recent use—storehouse, off-site use only

Bldg. T427
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330299
Status: Underutilized
Comment: 10245 sq. ft., 1-story, presence of asbestos, most recent use—post office, off-site use only

Bldg. T2368
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219330306
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. T3005
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000

Landholding Agency: Army
Property Number: 219330307
Status: Underutilized
Comment: 2220, sq. ft., 1-story, presence of asbestos, most recent use—motor repair shop, off-site use only

Bldg. T2171
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340212
Status: Underutilized
Comment: 1296 sq. ft., 1-story wood frame, most recent use—administrative, no handicap fixtures, lead base paint, off-site use only

Bldg. T2313
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340217
Status: Underutilized
Comment: 1403 sq. ft., 1-story wood frame, most recent use—paint shop, no handicap fixtures, lead base paint, off-site use only

Bldg. T6822
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219340219
Status: Underutilized
Comment: 4000 sq. ft., 1-story wood frame, most recent use—storage, no handicap fixtures, off-site use only

Bldg. T1364
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420393
Status: Underutilized
Comment: 1144 sq. ft., 1-story, presence of lead base paint, most recent use—storage, off-site use only

Bldg. T281
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420397
Status: Underutilized
Comment: 4230 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T282
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420398
Status: Underutilized
Comment: 15923 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T283
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420431
Status: Underutilized
Comment: 6163 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T408
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420433
Status: Underutilized
Comment: 10296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T410
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420435
Status: Underutilized
Comment: 2664 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T412
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420437
Status: Underutilized
Comment: 1296 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T429
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420439
Status: Underutilized
Comment: 2475 sq. ft., 1-story, presence of lead base paint, most recent use-admin/gen. purpose, off-site use only

Bldg. T1497
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420441
Status: Underutilized
Comment: 4720 sq. ft., 2-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T2139
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219420446
Status: Underutilized
Comment: 3663 sq. ft., 1-story, presence of lead base paint, most recent use—admin/gen. purpose, off-site use only

Bldg. T–2191
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440334
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T–2197
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219440335
Status: Excess
Comment: 4720 sq. ft., 2 story wood frame, off-site removal only, to be vacated 8/95, lead based paint, most recent use—barracks

Bldg. T403
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510107
Status: Excess
Comment: 5818 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T460
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510108
Status: Excess
Comment: 5428 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T464
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510109
Status: Excess
Comment: 5310 sq. ft., 2-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T590
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510110
Status: Excess
Comment: 3263 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T1246
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510111
Status: Excess
Comment: 1144 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T2385
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510115
Status: Excess
Comment: 3158 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3007
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510116
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3008

Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510117
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3010
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510118
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Bldg. T3011
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–
Landholding Agency: Army
Property Number: 219510119
Status: Excess
Comment: 4687 sq. ft., 1-story, wood frame, most recent use—admin., to be vacated 8/95, off-site use only

Nevada

Bldgs. 00425–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219011946
Status: Unutilized
Comment: 1310–1640 sq. ft., one floor residential, semi/wood construction, good condition.

New Mexico

Bldg. 149
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330333
Status: Unutilized
Comment: 3570 sq. ft., 2-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 150
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330334
Status: Unutilized
Comment: 3750 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 357
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330335
Status: Unutilized
Comment: 3600 sq. ft., 2-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1758
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330336
Status: Unutilized
Comment: 1620 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 1768
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330337
Status: Unutilized
Comment: 15,333 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28281
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330338
Status: Unutilized
Comment: 1856 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 28282
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330339
Status: Unutilized
Comment: 1850 sq. ft., 3-story, needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 32980
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330340
Status: Unutilized
Comment: 451 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 34252
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330341
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—admin., off-site use only

Bldg. 418
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330342
Status: Unutilized
Comment: 3690 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 420
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330343
Status: Unutilized
Comment: 2407 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1348
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330345
Status: Unutilized
Comment: 720 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—storage, off-site use only

Bldg. 1765
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330347
Status: Unutilized
Comment: 600 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 21542
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330348
Status: Unutilized
Comment: 945 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22118
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330349
Status: Unutilized
Comment: 1341 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 22253
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330350
Status: Unutilized
Comment: 216 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 28267
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330351
Status: Unutilized
Comment: 617 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 29195
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330352
Status: Unutilized
Comment: 56 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 34219
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330353
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 34221
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330354
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—storage, off-site use only

Bldg. 145
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army

Property Number: 219330355
Status: Unutilized
Comment: 2954 sq. ft., 1-story, presence of asbestos, most recent use—chapel, off-site use only

Bldg. 1754
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330356
Status: Unutilized
Comment: 6974 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 19242
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330357
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34227
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330358
Status: Unutilized
Comment: 675 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 34244
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330359
Status: Unutilized
Comment: 720 sq. ft., 1-story, presence of asbestos, most recent use—maintenance shop, off-site use only

Bldg. 21105
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330360
Status: Unutilized
Comment: 239 sq. ft., 1-story, presence of asbestos, most recent use—veterinarian facility, off-site use only

Bldg. 21106
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330361
Status: Unutilized
Comment: 405 sq. ft., 1-story, presence of asbestos, most recent use—veterinarian facility, off-site use only

Bldg. 21310
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330362
Status: Unutilized
Comment: 1006 sq. ft., 1-story, presence of asbestos, most recent use—transmitter bldg., off-site use only

Bldg. 29890
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330363
Status: Unutilized
Comment: 450 sq. ft., 1-story, presence of asbestos, most recent use—frequency monitoring station, off-site use only

Bldg. 1868
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330364
Status: Unutilized
Comment: 41 sq. ft., 1-story, presence of asbestos, most recent use—scale house, off-site use only

Bldg. 528
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330365
Status: Unutilized
Comment: 225 sq. ft., 1-story, presence of asbestos, most recent use—decontamination shelter, off-site use only

Bldg. 1834
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330366
Status: Unutilized
Comment: 150 sq. ft., 1-story, presence of asbestos, most recent use—animal kennel, off-site use only

Bldg. 23100
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330368
Status: Unutilized
Comment: 40 sq. ft., 1-story, presence of asbestos, most recent use—sentry station, off-site use only

Bldg. 29196
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330369
Status: Unutilized
Comment: 38 sq. ft., 1-story, presence of asbestos, most recent use—power plant bldg., off-site use only

Bldg. 30774
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330370
Status: Unutilized
Comment: 176 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 33136
White Sands Missile Range
White Sands Co: Dona Ana NM 88002–
Landholding Agency: Army
Property Number: 219330371
Status: Unutilized
Comment: 18 sq. ft., off-site use only

New York

Bldg. 100, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340254
Status: Unutilized
Comment: 155 sq. ft., 1-story, most recent use—storage

Bldg. 200, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340255
Status: Unutilized
Comment: 12000 sq. ft., 1-story, most recent use—office

Bldg. 300, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340256
Status: Unutilized
Comment: 11000 sq. ft., 1-story, most recent use—reserve center

Bldg. 900, Fort Hamilton
Bellmore Co: Nassau NY 11710–
Landholding Agency: Army
Property Number: 219340259
Status: Unutilized
Comment: 400 sq. ft., 1-story, needs rehab, most recent use—material storage

Bldgs. 2611, 2613, 2615, 2617
Steward Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219610721
Status: Unutilized
Comment: 4 detached garages with 2-vehicle parking per garage, off-site use only

Bldg. 148
West Point
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 219610722
Status: Unutilized
Comment: 1900 sq. ft., 2-story brick residence, possible lead base paint, off-site use only

Bldg. 1342
West Point
Highlands Co: Orange NY 10996–1592
Landholding Agency: Army
Property Number: 219610723
Status: Unutilized
Comment: 400 sq. ft. detached garage, possible lead base paint, off-site use only

24 Residential Apt. Bldgs.
Stewart Gardens, Army Wherry Family Housing
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630165
Status: Unutilized
Comment: most recent use—family housing, needs rehab, presence of asbestos, off-site use only

11 Detached Garages
Steward Gardens, Army Wherry Family Housing
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630166
Status: Unutilized
Comment: needs rehab, off-site use only

27 Storage Sheds
Stewart Gardens, Army Wherry Family Housing
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630167
Status: Unutilized
Comment: good condition, off-site use only

Bldg. 1810
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630168

Status: Unutilized
Comment: 1453 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only

Bldg. 2297
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630169
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
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630170
Status: Unutilized
Comment: 4350 sq. ft., each, needs rehab, presence of asbestos, most recent use—office, off-site use only

Bldg. 2608
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630171
Status: Unutilized
Comment: 6634 sq. ft., needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldg. 2619
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630172
Status: Unutilized
Comment: 1680 sq. ft., needs rehab, presence of asbestos, most recent use—office, off-site use only

Bldg. 1600
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630173
Status: Unutilized
Comment: 1453 sq. ft., needs rehab, presence of asbestos, most recent use—dayroom, off-site use only

6 Bldgs.
Stewart Army Subpost
#1602, 1604, 1606, 1608, 1610, 1612
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219630174
Status: Unutilized
Comment: 4349 sq. ft., each, needs rehab, presence of asbestos, most recent use—barracks, off-site use only

Bldgs. 644, 658
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630175
Status: Unutilized
Comment: 1922 sq. ft., each, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 650
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630176
Status: Unutilized
Comment: 3292 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 660
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630177
Status: Unutilized
Comment: 1742 sq. ft., needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldgs. 662, 664
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630178
Status: Unutilized
Comment: 5082 sq. ft., each, needs repair, presence of asbestos, most recent use—admin., off-site use only

Bldg. 668
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996–
Landholding Agency: Army
Property Number: 219630179
Status: Unutilized
Comment: 3140 sq. ft., needs repair, presence of asbestos, most recent use—preschool, off-site use only

North Carolina

Bldg. 3–2331, Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610724
Status: Unutilized
Comment: 1027 sq. ft., needs repair, possible asbestos, most recent use—storage, off-site use only

Bldg. N–3931, Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610725
Status: Unutilized
Comment: 3258 sq. ft., needs repair, possible asbestos, most recent use—admin., off-site use only

Bldg. N–4921, Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219610727
Status: Unutilized
Comment: 5676 sq. ft., needs repair, possible asbestos, most recent use—maintenance, off-site use only

Bldg. 0–9064
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219620686
Status: Unutilized
Comment: 480 sq. ft., most recent use—storage bldg., possible asbestos, needs repair, off-site use only

Bldg. 0–9107
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219620687
Status: Unutilized
Comment: 80 sq. ft., most recent use—storage shed, possible asbestos, off-site use only

Bldg. D–1102
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630180
Status: Unutilized
Comment: 3812 sq. ft., needs rehab, most recent use—training, off-site use only

Bldg. K1320
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630181
Status: Unutilized
Comment: 4725 sq. ft., needs rehab, most recent use—community bldg. off-site use only

Bldg. 2–5411
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630183
Status: Unutilized
Comment: 3100 sq. ft., needs rehab, most recent use—heat plant, off-site use only

Bldg. E–7429
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630184
Status: Unutilized
Comment: 3780 sq. ft., needs rehab, most recent use—training bldg., off-site use only

Bldg. E–7530
Fort Bragg
Ft. Bragg Co: Cumberland NC 28307–
Landholding Agency: Army
Property Number: 219630185
Status: Unutilized
Comment: 3747 sq. ft., needs rehab, most recent use—training bldg., off-site use only

North Dakota

Bldg. 001
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 219640207
Status: Unutilized
Comment: 1040 sq. ft., needs rehab, most recent use—auto craft shop, off-site use only

Bldg. 301
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 219640208
Status: Unutilized
Comment: 18830 sq. ft., needs rehab, most recent use—office, off-site use only

Bldg. 304
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 219640209
Status: Unutilized
Comment: 3658 sq. ft., needs rehab, most recent use—office, off-site use only

Bldg. 306
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 219640210
Status: Unutilized
Comment: 1720 sq. ft., needs rehab, most recent use—service station, off-site use only

Bldg. 348
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58355–
Landholding Agency: Army
Property Number: 219640211
Status: Unutilized
Comment: 21275 sq. ft., needs rehab, most recent use—dining facility, off-site use only

Bldg. 705
Stanley R. Mickelsen Safeguard Complex
Concrete Co: Pembina ND 58220–
Landholding Agency: Army
Property Number: 219640212
Status: Unutilized
Comment: 9432 sq. ft., needs rehab, most recent use—storage shed, off-site use only

Bldg. 1101
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Ramsey ND 58355–
Landholding Agency: Army
Property Number: 219640213
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only

Bldg. 1110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Ramsey ND 58355–
Landholding Agency: Army
Property Number: 219640214
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only

Bldg. 2101
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58249–
Landholding Agency: Army
Property Number: 219640215
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only

Bldg. 2110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Cavalier ND 58249–
Landholding Agency: Army
Property Number: 219640216
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only

Bldg. 4101
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Walsh ND 58355–
Landholding Agency: Army
Property Number 219640217
Status: Unutilized
Comment: 2259 sq. ft., earth covered concrete bldg., needs rehab, off-site use only

Bldg. 4110
Stanley R. Mickelsen Safeguard Complex
Nekoma Co: Walsh ND 58355–
Landholding Agency: Army
Property Number: 219640218
Status: Unutilized
Comment: 11956 sq. ft., concrete, needs rehab, off-site use only

Ohio

15 Units
Military Family Housing
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230354
Status: Excess
Comment: 3 bedroom (7 units)—1,824 sq. ft. each, 4 bedroom 8 units)—2,430 sq. ft. each, 2-story wood frame, presence of asbestos, off-site use only

7 Units
Military Family Housing Garages
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219230355
Status: Excess
Comment: 1–4 stall garage and 6–3 stall garages, presence of asbestos, off-site use only

Bldg. P–3
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320311
Status: Unutilized
Comment: 10752 sq. ft., 1-story brick, most recent use—office, possible asbestos

Bldg. P–4
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320312
Status: Unutilized
Comment: 2508 sq. ft., 1-story brick, most recent use—vehicle maint. shop

Oklahoma

Bldg. T–2606
Fort Sill
2606 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219011273
Status: Unutilized
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg.T–838, Fort Sill
838 Macomb Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219220609
Status: Unutilized
Comment: 151 sq. ft., wood frame, 1 story, off-site removal only, most recent use—vet facility (quarantine stable).

Bldg. T–954, Fort Sill
954 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240659
Status: Unutilized
Comment: 3571 sq. ft., 1 story wood frame, needs rehab, off-site use only, most recent use—motor repair shop.

Bldg. T–1050, Fort Sill
1050 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240660
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only most recent use—barracks.

Bldg. T–1051, Fort Sill
1051 Quinette Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240661
Status: Unutilized
Comment: 6240 sq. ft., 2 story wood frame, needs rehab, off-site use only most recent use—barracks.

Bldg. T–2740, Fort Sill
2740 Miner Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240669
Status: Unutilized
Comment: 8210 sq. ft., 2 story wood frame, needs rehab, off-site use only most recent use—enlisted barracks.

Bldg. T–2633, Fort Sill
2633 Miner Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240672
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
4050 Pitman Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240676
Status: Unutilized
Comment: 3177 sq. ft., 1 story wood frame, needs rehab, off-site use only most recent use—storage.

Bldg. P–3032, Fort Sill
3032 Haskins Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240678
Status: Unutilized
Comment: 101 sq. ft., 1 story wood frame, needs rehab, off-site use only most recent use—general storehouse.

Bldg. T–3325, Fort Sill
3325 Naylor Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219240681
Status: Unutilized
Comment: 8832 sq. ft., 1 story wood frame, needs rehab, off-site use only most recent use—warehouse.

Bldg. T–260, Fort Sill
260 Corral Road
Lawton Co: Comanche OK 73503–5000
Landholding Agency: Army
Property Number: 219240776
Status: Unutilized
Comment: 4838 sq. ft., 2 story wood frame, off-site use only, possible asbestos, most recent use—admin.

Bldg. P–6220, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219320335
Status: Unutilized
Comment: 848 sq. ft., 1-story metal frame, possible asbestos, most recent use—construction bldg., off-site use only

Bldg. S–6228, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219320336
Status: Unutilized
Comment: 352 sq. ft., 1-story wood frame, possible asbestos, most recent use—range house, off-site use only

Bldg. P–2610, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330372

Status: Unutilized
Comment: 512 sq. ft., 1-story, possible asbestos, most recent use—classroom, off-site use only

Bldg. 4722, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330373
Status: Unutilized
Comment: 3375 sq. ft., 2-story, possible asbestos, most recent use—admin., off-site use only

Bldg. T1652, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330380
Status: Unutilized
Comment: 1505 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T1665, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330381
Status: Unutilized
Comment: 1305 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2034, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330383
Status: Unutilized
Comment: 401 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2705, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330384
Status: Unutilized
Comment: 1601 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2706, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330385
Status: Unutilized
Comment: 2156 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2709, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330388
Status: Unutilized
Comment: 2112 sq. ft., 2-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2756, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330390
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T2757, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330391
Status: Unutilized
Comment: 5172 sq. ft., 1-story wood, possible asbestos, most recent use—storage, off-site use only

Bldg. T3026, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330392
Status: Unutilized
Comment: 2454 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4035, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330401
Status: Unutilized
Comment: 867 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T4474, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330402
Status: Unutilized
Comment: 1159 sq. ft., 1-story, possible asbestos, most recent use—storage, off-site use only

Bldg. T5628 Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330418
Status: Unutilized
Comment: 2016 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T5637 Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219330419
Status: Unutilized
Comment: 1606 sq. ft., 1 story, possible asbestos, most recent use—storage, off-site use only.

Bldg. T–5215
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440376
Status: Unutilized
Comment: 2797 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—admin., off-site use only

Bldg. T–5219
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440381
Status: Unutilized
Comment: 2662 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—classroom, off-site use only

Bldg. T–4226
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219440384
Status: Unutilized
Comment: 114 sq. ft., 1-story wood frame, possible asbestos and lead paint, most recent use—storage, off-site use only

Bldg. P–1015, Fort Sill
Lawton Co: Comanche OK 73501–5100
Landholding Agency: Army
Property Number: 219520197
Status: Unutilized
Comment: 15402 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. T–2405, Fort Sill
2405 Darby Loop
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540019
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
2645 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540020
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
2645 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540021
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
2648 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540022
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
3150 Hoskins Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540023
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
2649 Tacy Street
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540024
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
2940 Currie Road
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540033
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
4036 Currie Road

Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219540034
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
5050 Rumple Road
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219540036
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
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610731
Status: Unutilized
Comment: 2400 sq. ft., possible asbestos, most recent use—barracks, off-site use only

Bldg. T–297, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610732
Status: Unutilized
Comment: 2427 sq. ft., possible asbestos, most recent use—classroom, off-site use only

Bldg. T–4008, Fort Sill
Lawton Co: Comanche OK 73503–5100
Landholding Agency: Army
Property Number: 219610733
Status: Unutilized
Comment: 2750 sq. ft., possible asbestos, most recent use—office, off-site use only

Bldg. T–4467, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610734
Status: Unutilized
Comment: 3069 sq. ft., possible asbestos, most recent use—mess hall, off-site use only

Bldg. T–4458, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610735
Status: Unutilized
Comment: 2964 sq. ft., needs repair, possible asbestos, most recent use—mess hall, off-site use only

Bldg. T–367, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610736
Status: Unutilized
Comment: 9370 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. T–1955, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610737
Status: Unutilized
Comment: 12810 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. T–2179, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610738
Status: Unutilized
Comment: 18775 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. T–5604, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610739
Status: Unutilized
Comment: 9190 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. P–366, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610740
Status: Unutilized
Comment: 482 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. P–5237, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610741
Status: Unutilized
Comment: 87 sq. ft., possible asbestos, most recent use—storage, off-site use only

Bldg. P–2787, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610742
Status: Unutilized
Comment: 200 sq. ft., possible asbestos, most recent use—transformer bldg., off-site use only

Bldg. P–2785, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610743
Status: Unutilized
Comment: 196 sq. ft., possible asbestos, most recent use—transformer bldg., off-site use only

Bldg. P–1198, Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219610744
Status: Unutilized
Comment: 256 sq. ft., possible asbestos, most recent use—water pumping station, off-site use only

Bldg. T–4721,
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620688
Status: Unutilized
Comment: 114 sq. ft., most recent use—storehouse, possible asbestos/lead paint, off-site use only

Bldg. T–4430
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620689
Status: Unutilized
Comment: 2974 sq. ft., most recent use—warehouse, possible asbestos/lead paint, off-site use only

Bldg. T–4428
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620690
Status: Unutilized
Comment: 2974 sq. ft., most recent use—storage/dining, possible asbestos/lead paint, off-site use only

Bldg. T–4400
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620691
Status: Unutilized
Comment: 2974 sq. ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. T–4115
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620692
Status: Unutilized
Comment: 96 sq. ft., most recent use—shelter, possible asbestos/lead paint, off-site use only

Bldg. T–3326
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620693
Status: Unutilized
Comment: 8832 sq. ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. T–3290
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620694
Status: Unutilized
Comment: 96 sq. ft., most recent use—shelter, possible asbestos/lead paint, off-site use only

Bldg. T–2955
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620695
Status: Unutilized
Comment: 3660 ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. T–2917
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620696
Status: Unutilized
Comment: 3746 sq. ft., most recent use—exchange svc outlet, possible asbestos/lead paint, off-site use only

Bldg. T–2450
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620697
Status: Unutilized
Comment: 1173 sq. ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. T–2438
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620698
Status: Unutilized
Comment: 9002 sq. ft., most recent use—storage/office, possible asbestos/lead paint, off-site use only

Bldg. T–2425
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army

Property Number: 219620699
Status: Unutilized
Comment: 9052 sq. ft., most recent use—storehouse, possible asbestos/lead paint, off-site use only

Bldg. S–2242
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620700
Status: Unutilized
Comment: 348 sq. ft., most recent use—shower, possible asbestos/lead paint, off-site use only

Bldg. P–2093
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620701
Status: Unutilized
Comment: 106 sq. ft., most recent use—transformer bldg., possible asbestos/lead paint, off-site use only

Bldg. P–2092
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620702
Status: Unutilized
Comment: 131 sq. ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. P–2091
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620703
Status: Unutilized
Comment: 106 sq. ft., most recent use—transformer bldg., possible asbestos/lead paint, off-site use only

Bldg. T–1951
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620704
Status: Unutilized
Comment: 402 sq. ft., most recent use—storage shed, possible asbestos/lead paint, off-site use only

Bldg. T–1943
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620705
Status: Unutilized
Comment: 1439 sq. ft., most recent use—office/shop, possible asbestos/lead paint, off-site use only

Bldg. P–1710
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620706
Status: Unutilized
Comment: 7668 sq. ft., most recent use—warehouse, possible asbestos/lead paint, off-site use only

Bldg. P–1700
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620707
Status: Unutilized
Comment: 7574 sq. ft., most recent use—maint. shop/office, possible asbestos/lead paint, off-site use only

Bldg. T–1610
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620708
Status: Unutilized
Comment: 96 sq. ft., most recent use—shelter, possible asbestos/lead paint, off-site use only

Bldg. T–1002
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620709
Status: Unutilized
Comment: 264 sq. ft., most recent use—shelter, possible asbestos/lead paint, off-site use only

Bldg. P–594
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620710
Status: Untilized
Comment: 106 sq. ft., most recent use—transformer bldg., possible asbestos/lead paint, off-site use only

Bldg. P–586
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620711
Status: Unutilized
Comment: 106 sq. ft., most recent use—transformer bldg., possible asbestos/lead paint, off-site use only

Bldg. T–299
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620712
Status: Unutilized
Comment: 2974 sq. ft., most recent use—classroom, possible asbestos/lead paint, off-site use only

Bldg. T–271
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620713
Status: Unutilized
Comment: 283 sq. ft., most recent use—storage, possible asbestos/lead paint, off-site use only

Bldg. T–298
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219620714
Status: Unutilized
Comment: 2432 sq. ft., most recent use—classroom, possible asbestos/lead paint, off-site use only

South Carolina

Bldg. 5412
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219510139
Status: Excess
Comment: 3900 sq. ft., 1-story, wood frame, needs rehab, most recent use—admin., off-site use only

Bldg. 4510
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219620715
Status: Unutilized
Comment: 10424 sq. ft., needs repair, most recent use—craft shop, off-site use only

Bldg. 6528
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219620716
Status: Unutilized
Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 6529
Fort Jackson
Ft Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219620717
Status: Unutilized
Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only

Bldg. 6530
Fort Jackson
Ft. Jackson Co: Richland SC 29207–
Landholding Agency: Army
Property Number: 219620718
Status: Unutilized
Comment: 3960 sq. ft., needs repair, most recent use—office, off-site use only

Texas

Bldg. P–3824, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220398
Status: Unutilized
Comment: 2232 sq. ft., 1-story concrete structure, within National Landmark Historic District, off-site removal only.

Bldg. 440, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219320355
Status: Unutilized
Comment: 1651 sq. ft., 1-story brick, most recent use—education facility, off-site use only

Bldg. P–377, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330444
Status: Unutilized
Comment: 74 sq. ft., 1-story brick, needs rehab, most recent use—scale house, located in National Historic District, off-site use only

Bldg. T–5901
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330486
Status: Unutilized
Comment: 742 sq. ft., 1-story wood frame, most recent use—admin., off-site use only.

Bldg. 315, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410315
Status: Unutilized

Comment: 2400 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 316, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410316
Status: Unutilized
Comment: 1500 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 317, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410317
Status: Unutilized
Comment: 2000 sq. ft., 1-story, needs rehab, most recent use—storage, off-site use only

Bldg. 4480, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219410322
Status: Unutilized
Comment: 2160 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. 1165, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420456
Status: Unutilized
Comment: 5263 sq. ft., 1-story wood, needs repair, most recent use—office, off-site use only

Bldg. 4718, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420459
Status: Unutilized
Comment: 899 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4719, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219420460
Status: Unutilized
Comment: 519 sq. ft., 1-story wood, needs repair, most recent use—storage, off-site use only

Bldg. 4105, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219420463
Status: Unutilized
Comment: 2535 sq. ft., 1-story wood, needs rehab, most recent use—storage, off-site use only

Bldg. 2, Fort Hood
Lubbock Co: Lubbock TX 79408–
Landholding Agency: Army
Property Number: 219440337
Status: Unutilized
Comment: 2818 sq. ft., 1-story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center maintenance shop

Bldg. P–452
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440449
Status: Excess
Comment: 600 sq. ft., 1 story stucco frame, lead paint, off-site removal only, most recent use—bath house

Bldg. P–6615
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440454
Status: Excess
Comment: 400 sq. ft., 1 story concrete frame, off-site removal only, most recent use—detached garage

Bldg. T–300, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520118
Status: Unutilized
Comment: 8352 gr. sq. ft., 1-story, presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. P–1059, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520121
Status: Unutilized
Comment: 700 gr. sq. ft., presence of lead base paint and asbestos, most recent use—admin., off-site use only

Bldg. 307, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520198
Status: Excess
Comment: 1600 sq. ft., 1-story, most recent use—med. clinic, off-site use only

Bldg. 507, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520199
Status: Unutilized
Comment: 1600 sq. ft., 1-story, presence of asbestos, off-site use only

Bldg. 831, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520200
Status: Unutilized
Comment: 4780 sq. ft., 2-story, most recent use—training, needs rehab, off-site use only

Bldg. 4201, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520201
Status: Unutilized
Comment: 9000 sq. ft., 1-story, off-site use only

Bldg. 4202, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219520202
Status: Unutilized
Comment: 5400 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. P–1030
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219520203
Status: Excess
Comment: 8212 sq. ft., 1-story, most recent use—storage, presence of asbestos & lead base paint, located in Historic District, off-site use only

Bldg. 832, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219540068
Status: Excess
Comment: 3983 sq. ft., 2-story, off-site removal only, most recent use—admin.

Land, Fort Hood
Ft. Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219540069
Status: Excess
Comment: 4.808 acres of unimproved land, potential utilities

Bldg. 56514
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610745
Status: Unutilized
Comment: 500 sq. ft., most recent use—dining, off-site use only

Bldgs. 56642–56645
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610746
Status: Unutilized
Comment: 500 sq. ft., most recent use—dining, off-site use only

Bldg. 56649
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610747
Status: Unutilized
Comment: 506.7 sq. ft., most recent use—dining, off-site use only

Bldgs. 56722–56725
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610748
Status: Unutilized
Comment: 500 sq. ft. each, most recent use—dining, off-site use only

Bldg. 56729
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610749
Status: Unutilized
Comment: 506.7 sq. ft., most recent use—dining, off-site use only

Bldgs. 56732–56735
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610750
Status: Unutilized
Comment: 500 sq. ft. each, most recent use—dining, off-site use only

Bldg. 56739
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610751
Status: Unutilized
Comment: 506.7 sq. ft., most recent use—dining, off-site use only

Bldgs. 56742–56745
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610752
Status: Unutilized
Comment: 500 sq. ft. each, most recent use—dining, off-site use only

Bldg. 56749
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610753
Status: Unutilized
Comment: 506.7 sq. ft., most recent use—dining, off-site use only

Bldg. 439
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610754
Status: Unutilized
Comment: 3983 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. 2046
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610757
Status: Unutilized
Comment: 2700 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldgs. 56738, 56647
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219610768
Status: Unutilized
Comment: needs rehab, off-site use only

Bldg. P–8224B
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610783
Status: Underutilized
Comment: 1126 gross sq. ft., needs rehab, presence of lead base paint, most recent use—family housing

5 Bldgs., Family Quarters
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 79916–
Location: 2126A/B, 2148A/B, 2218A/B, 2230A/B, 2245A/B
Landholding Agency: Army
Property Number: 219620233
Status: Unutilized
Comment: 769 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only

12 Bldgs., Family Quarters
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 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
Landholding Agency: Army
Property Number: 219620234
Status: Unutilized
Comment: 916 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only

11 Bldgs., Family Quarters
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 79916–
Location: 2105A/B, 2127A/B, 2137A/B, 2191A/B, 2205A/B, 2206A/B, 2216A/B, 2219A/B, 2231A/B, 2241A/B, 2250A/B
Landholding Agency: Army
Property Number: 219620235
Status: Unutilized
Comment: 896 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only

17 Bldgs., Family Quarters
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 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
Landholding Agency: Army
Property Number: 219620236
Status: Unutilized
Comment: 911 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only

35 Bldgs., Family Quarters
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 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
Landholding Agency: Army
Property Number: 219620237
Status: Unutilized
Comment: 913 sq. ft., needs rehab, possible asbestos/lead paint, off-site use only

Bldg. 57015
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219620722
Status: Unutilized
Comment: 7680 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 57016
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219620723
Status: Unutilized
Comment: 7680 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. 2808
Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219620725
Status: Unutilized
Comment: 3746 sq. ft., most recent use—chapel, off-site use only

Bldg. S–655
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219620728
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
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 79916–
Location: 2125A/B, 2135A/B, 2159A/B, 2175A/B, 2197A/B, 2201A/B, 2213A/B 2221A/B, 2243A/B
Landholding Agency: Army
Property Number: 219620742
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
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 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
Landholding Agency: Army
Property Number: 219620743
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
Hayes Housing Complex, Fort Bliss
El Paso Co: El Paso TX 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
Landholding Agency: Army
Property Number: 219620744
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
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630187
Status: Unutilized
Comment: 16853 sq. ft., poor condition, most recent use—gymnasium, off-site use only

Bldg. 2160
Fort Bliss, Hayes Housing Complex
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630188
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
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630189
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
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630190
Status: Unutilized
Comment: 2331 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shop, off-site use only

Bldgs. 2511–2513, 2516, 2519
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630191
Status: Unutilized
Comment: 13711 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shop, off-site use only

Bldgs. 2514, 2515
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630192

Status: Unutilized
Comment: 16976 sq. ft., needs major rehab, presence of lead based paint, most recent use—maintenance shop, off-site use only

Bldg. 2535
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219630193
Status: Unutilized
Comment: 528 sq. ft., needs major rehab, presence of lead based paint, most recent use—storehouse, off-site use only

32 Units
Fort Bliss
Upper William Beaumont Army Medical Center
El Paso Co: El Paso TX 79916–
Location: 7402, 7403, 7406, 7410, 7423, 7424, 7427, 7428, 7442, 7446, 7447, 7462, 7463, 7466, 7467, 7485—A/B
Landholding Agency: Army
Property Number: 219630194
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
Fort Bliss
Upper William Beaumont Army Medical Center
El Paso Co: El Paso TX 79916–
Location: 7401, 7404, 7405, 7408, 7412, 7422, 7425, 7426, 7429, 7430, 7441, 7444, 7445, 7448, 7461, 7464, 7465, 7481—A/B
Landholding Agency: Army
Property Number: 219630195
Status: Unutilized
Comment: 972 sq. ft., poor condition, most recent use—residential, off-site use only

8 Units
Fort Bliss
Upper William Beaumont Army Medical Center
El Paso Co: El Paso TX 79916–
Location: 7407 A/B, 7421 A/B, 7443 A/B, 7483 A/B
Landholding Agency: Army
Property Number: 219630196
Status: Unutilized
Comment: 887 sq. ft., poor condition, most recent use—residential, off-site use only

Bldg. T–88
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640219
Status: Unutilized
Comment: 4720 sq. ft., 2-story, needs rehab, most recent use—showers, off-site use only

Bldg. P–197
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640220
Status: Unutilized
Comment: 13819 sq. ft., presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. T–230
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640221
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
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640222
Status: Unutilized
Comment: 1830 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldg. P–606B
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640223
Status: Unutilized
Comment: 1296 sq. ft., presence of asbestos/lead paint, off-site use only

Bldg. P–607
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640224
Status: Unutilized
Comment: 12610 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–608
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640225
Status: Unutilized
Comment: 12676 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–608A
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640226
Status: Unutilized
Comment: 2914 sq. ft., presence of asbestos/lead paint, most recent use—admin/classroom, off-site use only

Bldg. P–1000
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640227
Status: Unutilized
Comment: 226374 sq. ft., presence of asbestos/lead paint, historic property, most recent use—hospital/medical center

Bldg. P–1023
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640228
Status: Unutilized
Comment: 2500 sq. ft., presence of asbestos/lead paint, most recent use—greenhouse, off-site use only

Bldg. P–1058
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640229
Status: Unutilized
Comment: 180 sq. ft., presence of lead paint, most recent use—storage, off-site use only

Bldg. P–2270
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640230
Status: Unutilized
Comment: 14622 sq. ft., 2-story, historic bldg., presence of asbestos/lead paint, most recent use—auditorium

Bldg. T–2300
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640231
Status: Unutilized
Comment: 5883 sq. ft., presence of asbestos/lead paint, most recent use—post office, off-site use only

Bldg. P–2399
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640232
Status: Unutilized
Comment: 25922 sq. ft., poor condition, presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. S–3899
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640235
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. S–3899
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640236
Status: Unutilized
Comment: 4200 sq. ft., presence of asbestos/lead paint, most recent use—classroom, off-site use only

Bldg. P–4190
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640237
Status: Unutilized
Comment: 88067 sq. ft., historic bldg., presence of asbestos/lead paint, most recent use—admin/warehouse

Bldg. P–4191
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640238
Status: Unutilized
Comment: 88067 sq. ft., historic bldg., presence of asbestos/lead paint, most recent use—admin/warehouse

Bldg. T–5105
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640239
Status: Unutilized
Comment: 3521 sq. ft., presence of asbestos/lead paint, most recent use—dining facility, off-site use only

Bldg. P–5126
Fort Sam Houston

San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640240
Status: Unutilized
Comment: 189 sq. ft., off-site use only

Bldg. P–6201
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640241
Status: Unutilized
Comment: 3003 sq. ft., presence of asbestos/lead paint, most recent use—officers family quarters, off-site use only

Bldg. P–6202
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640242
Status: Unutilized
Comment: 1479 sq. ft., presence of lead paint, most recent use—officers family quarters, off-site use only

Bldg. P–6203
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640243
Status: Unutilized
Comment: 1381 sq. ft., presence of lead paint, most recent use—military family quarters, off-site use only

Bldg. P–6204
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219640244
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 Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219640245
Status: Unutilized
Comment: 12660 sq. ft., 2-story, most recent use—admin., off-site use only

Bldg. 4416, Fort Hood Co: Bell TX 76544–
Landholding Agency: Army
Property Number: 219640246
Status: Unutilized
Comment: 3746 sq. ft., 1-story, most recent use—chapel, off-site use only

Bldg. 2906, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219640561
Status: Unutilized
Comment: 35,737 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 2907, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219640562
Status: Unutilized
Comment: 35,737 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 2908, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219640563
Status: Unutilized
Comment: 41,979 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 7137, Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219640564
Status: Unutilized
Comment: 35,736 sq. ft., 3-story, most recent use—housing, off-site use only

Bldg. 2305, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219640565
Status: Unutilized
Comment: 8043 sq. ft., 2-story, needs repair, most recent use—guest house, off-site use only

Bldg. 2306, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219640566
Status: Unutilized
Comment: 8043 sq. ft., 2-story, needs repair, most recent use—guest house, off-site use only

Bldg. 2307, Fort Hood
Ft. Hood Co: Coryell TX 76544–
Landholding Agency: Army
Property Number: 219640567
Status: Unutilized
Comment: 8043 sq. ft., 2-story, needs repair, most recent use—guest house, off-site use only

Virginia

Bldg. TT0104
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–5000
Landholding Agency: Army
Property Number: 219520217
Status: Unutilized
Comment: 1464 sq. ft., 1-story, most recent use—training, needs rehab, off-site use only

Bldg. TT0105
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–5000
Landholding Agency: Army
Property Number: 219520218
Status: Unutilized
Comment: 2273 sq. ft., 1-story, most recent use—storage, off-site use only

Bldg. T00103
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–5000
Landholding Agency: Army
Property Number: 219610789
Status: Unutilized
Comment: 430 sq. ft., presence of asbestos, most recent use—barber shop, off-site use only

Bldg. 602, Fort Eustis
Ft. Eustis VA 23604–
Landholding Agency: Army
Property Number: 219620729
Status: Unutilized
Comment: 2368 sq. ft., 1-story brick, most recent use—storage, presence of asbestos, off-site use only

Bldg. T–99
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620732
Status: Unutilized
Comment: 7410 sq. ft., most recent use—storage, off-site use only

Bldg. T–193
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620733
Status: Unutilized
Comment: 2415 sq. ft., most recent use—training, off-site use only

Bldg. T–194
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620734
Status: Unutilized
Comment: 1950 sq. ft., most recent use—office, off-site use only

Bldg. T–195
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620735
Status: Unutilized
Comment: 1830 sq. ft., most recent use—office, off-site use only

Bldg. T–196
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620736
Status: Unutilized
Comment: 1500 sq. ft., most recent use—office/storage, off-site use only

Bldg. T–248
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620737
Status: Unutilized
Comment: 1894 sq. ft., most recent use—office, off-site use only

Bldg. T–249
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620738
Status: Unutilized
Comment: 1909 sq. ft., most recent use—office, off-site use only

Bldg. T–259
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219620739
Status: Unutilized
Comment: 1983 sq. ft., most recent use—office, off-site use only

Bldg. T–162, Fort Monroe
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219640247
Status: Unutilized
Comment: 1300 sq. ft., needs repair, presence of lead paint, most recent use—admin., off-site use only

Bldg. T–171, Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219640568
Status: Underutilized
Comment: 1740 sq. ft., most recent use—storage, off-site use only

Bldg. T–642, Fort Eustis
Ft. Eustis VA 23604–

Landholding Agency: Army
Property Number: 219640569
Status: Unutilized
Comment: 800 sq. ft., metal, most recent use—bath house, off-site use only

Washington

13 Bldgs., Fort Lewis
A0402, C0723, C0726, C0727, C0902, C0903, C0906, C0907, C0922, C093, C0926, C0927, C1250
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630199
Status: Unutilized
Comment: 2360 sq. ft., possible asbestos/lead paint, most recent use—barracks, off-site use only

7 Bldgs., Fort Lewis
A0438, A0439, C0901, C0910, C0911, C0918, C0918
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630200
Status: Unutilized
Comment: 1144 sq. ft., possible asbestos/lead paint, most recent use—dayroom bldgs., off-site use only

Bldg. A0608, Fort Lewis
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630201
Status: Unutilized
Comment: 2285 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—dining, off-site use only

6 Bldgs., Fort Lewis
C0908, C0728, C0901, C0928, C1008, C1108
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630204
Status: Unutilized
Comment: 2207 sq. ft., possible asbestos/lead paint, most recent use—dining, off-site use only

Bldg. C0909, Fort Lewis
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630205
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C0920, Fort Lewis
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630206
Status: Unutilized
Comment: 1984 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1249, Fort Lewis
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630207
Status: Unutilized
Comment: 992 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. C1322a, Fort Lewis
Ft. Lewis CO: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630208
Status: Unutilized
Comment: 1843 sq. ft., possible asbestos/lead paint, most recent use—admin., off-site use only

Bldg. C1322b, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630209
Status: Unutilized
Comment: 2284 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1164, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630213
Status: Unutilized
Comment: 230 sq. ft., possible asbestos/lead paint, most recent use—storehouse, off-site use only

Bldg. 1220, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630214
Status: Unutilized
Comment: 1386 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 1228, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630215
Status: Unutilized
Comment: 10413 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 1307, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630216
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 1309, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630217
Status: Unutilized
Comment: 1092 sq. ft., possible asbestos/lead paint, most recent use—storage, off-site use only

Bldg. 2167, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630218
Status: Unutilized
Comment: 288 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 4078, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630219
Status: Unutilized
Comment: 10200 sq. ft., needs rehab, possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. 9599, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 219630220
Status: Unutilized
Comment: 12366 sq. ft., possible asbestos/lead paint, most recent use—warehouse, off-site use only

Bldg. A1404, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219640570
Status: Unutilized
Comment: 557 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1419, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219640571
Status: Unutilized
Comment: 1307 sq. ft., needs rehab, most recent use—storage, off-site use only

Bldg. A1420, Fort Lewis
Ft. Lewis Co: Pierce WA 98433–
Landholding Agency: Army
Property Number: 219640572
Status: Unutilized
Comment: 5234 sq. ft., needs rehab, most recent use—vehicle maintenance shop, off-site use only

Wisconsin

Bldg. 7174, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320372
Status: Underutilized
Comment: 8466 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 7176, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320373
Status: Underutilized
Comment: 5415 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 7261, Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219320374
Status: Unutilized
Comment: 4800 sq. ft., 1-story, presence of asbestos, needs rehab, used intermittently by Army, most recent use—gen. purpose warehouse

Bldg. 2321
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430225
Status: Unutilized
Comment: 682 sq. ft., 1-story, needs rehab, most recent use—heat plant.

Bldg. 2673
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430226
Status: Unutilized
Comment: 13515 sq. ft., 1-story, needs rehab, most recent use—theater.

Bldg. 2110
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430232
Status: Unutilized
Comment: 18270 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2320
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430233
Status: Unutilized
Comment: 33345 sq. ft., 1-story, needs rehab, most recent use—vehicle maint.

Bldg. 2763
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430236
Status: Unutilized
Comment: 3250 sq. ft., 1-story, needs rehab, most recent use—admin.

Bldg. 2755
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430239
Status: Unutilized
Comment: 168 sq. ft., 1-story, needs rehab, most recent use—dispatch bldg.

Bldg. 850
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219430243
Status: Unutilized
Comment: 2350 sq. ft., 1-story, needs rehab, most recent use—dining facility

Bldg. 240, Fort McCoy
Fort McCoy
Ft. McCoy Co: Monroe WI 54656–5162
Landholding Agency: Army
Property Number: 219520219
Status: Underutilized
Comment: 1750 sq. ft., 1-story, needs rehab, most recent use—admin.

U.S. Army Reserve Center
2310 Center Street
Racine Co: Racine WI 53404–3330
Landholding Agency: Army
Property Number: 219620740
Status: Unutilized
Comment: 3 bldgs. (14,137 sq. ft.) on 3 acres, needs repair, most recent use—office/storage/training

Land (by State)

Alaska

Harding Lake Recreation Area
Fort Richardson
Anchorage AK
Landholding Agency: Army
Property Number: 219540009
Status: Underutilized
Comment: 25.5 acres, most recent use—recreation

California

U.S. Army Reserve Center
Mountain Lakes Industrial Park
Redding Co: Shasta CA
Landholding Agency: Army
Property Number: 2194610645
Status: Unutilized
Comment: 5.13 acres within a light industrial park

Georgia

Land (Railbed)
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219440440
Status: Unutilized
Comment: 17.3 acres extending 1.24 miles, no known utilities potential

Minnesota

Land
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120269
Status: Underutilized
Comment: Approx. 49 acres, possible contamination, secured area with alternate access

Nevada

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012049
Status: Unutilized
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Landholding Agency: Army
Property Number: 219012056
Status: Unutilized
Comment: 1920 acres; road and utlity easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAAP's South Magazine Area at Western edge of State Route 359
Landholding Agency: Army
Property Number: 219012057
Status: Unutilized
Comment: 85 acres; road and utlity easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South-southwest of Hawthorne along HWAPP's South Magazine Area at Western edge of State Route 359.
Landholding Agency: Army
Property Number: 219012058
Status: Unutilized
Comment: 955 acres; road and utility easements; no utility hookup.

New York

Land—6.965 Acres
Dix Avenue
Queensbury Co: Warren NY 12801–
Landholding Agency: Army
Property Number: 219540018
Status: Unutilized
Comment: 6.96 acres of vacant land, located in industrial area, potential utilities.

North Carolina

0.80 Acre Trace of Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219640560
Status: Unutilized
Comment: 0.80 acres, listed on the National Register of Historic Places.

Ohio

5 acres
Doan U.S. Army Reserve Center
Portmonth Co: Scioto OH 45662–
Landholding Agency: Army
Property Number: 219320313
Status: Unutilized
Comment: 5 acres including paved roads, parking, sidewalks, etc.

Tennessee

Holston Army Ammunition Plant
Kinsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012338
Status: Unutilized
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Old Camp Bullis Road
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420461
Status: Unutilized
Comment: 7.16 acres, rural gravel road.

Camp Bullis, Tract 9
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219420462
Status: Unutilized
Comment: 1.07 acres of undeveloped land.

Castner Range
Fort Bliss
El Paso Co: El Paso TX 79916–
Landholding Agency: Army
Property Number: 219610788
Status: Unutilized
Comment: approx. 56.87 acres, portion in floodway, most recent use—recreation picnic park

Suitable/Unavailable Properties

Buildings (by State)

Arizona

Bldg. S–306
Yuma Proving Ground
Yuma Co: Yuma/La Paz AZ 85365–9104
Landholding Agency: Army
Property Number: 219420346
Status: Unutilized
Comment: 4103 sq. ft., 2-story, needs major rehab, scheduled to be vacated on or about 2/95.

Colorado

Bldg. P–1388
Fort Carson
Colorado Springs Co: El Paso Co 80913–
Landholding Agency: Army
Property Number: 219430134
Status: Unutilized
Comment: 240 sq. ft., 1-story steel structure, needs rehab, secure area with alternate access, off-site use only

Georgia

Bldg. T201, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420357
Status: Unutilized
Comment: 2929 sq. ft., 1-story wood frame, needs repair, most recent use—offices, off-site use only

Bldg. T–902, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420360
Status: Unutilized
Comment: 2990 sq. ft., 1-story wood frame, needs repair, most recent use—offices, off-site use only

Bldg. 704, Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219420364
Status: Unutilized
Comment: 2028 sq. ft., 1-story, needs major repair, most recent use - admin.

Bldg. TT0791
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440408
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. TT0792
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440409
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. TT0793
Fort Stewart
Hinesville Co: Liberty GA 31314–
Landholding Agency: Army
Property Number: 219440410
Status: Unutilized
Comment: 1440 sq. ft., 1-story aluminum frame, needs rehab, most recent use—aces. facility, off-site use only

Bldg. 4090
Fort Benning
Fort Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 219630007
Status: Underutilized
Comment: 3530 sq. ft., most recent use—chapel, off-site use only

Hawaii

Bldg. S–275
Fort DeRussy
Honolulu HI 96815–
Landholding Agency: Army
Property Number: 219540014
Status: Unutilized
Comment: 26047 gross sq. ft., some termite damage, most recent use—office/workshop, limitations on use (PL90–110, Sec. 809)

Kentucky

Bldg. 05713, Fort Campbell
Ft. Campbell Co: Christian KY 42223–
landholding Agency: Army
Property Number: 219410341
Status: Unutilized
Comment: 10944 sq. ft., 1-story, needs rehab, presence of asbestos, most recent use—maintenance shop

Bldg. 2541
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610679
Status: Unutilized
Comment: 1850 sq. ft., needs repair, possible asbestos, most recent use—admin., off-site use only

Bldg. 2556
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number 219610680
Status: Unutilized
Comment: 5400 sq. ft., possible asbestos, most recent use—admin., off-site use only

Bldg. 2636
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610682
Status: Unutilized
Comment: 5310 sq. ft., possible asbestos, most recent use—admin., off-site use only

Bldg. 2325
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610694
Status: Unutilized
Comment: 2625 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 2327
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610695
Status: Unutilized
Comment: 2500 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 2527
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610698
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 2537
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610699
Status: Unutilized
Comment: 5310 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 2539
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610700
Status: Unutilized
Comment: 2500 sq. ft., presence of asbestos, most recent use—admin., off-site use only

Bldg. 2744
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219610704
Status: Unutilized
Comment: 5310 sq. ft., needs rehab, presence of asbestos, most recent use—admin., off-site use only

Bldg. 2436
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219620670
Status: Unutilized
Comment: 1200 sq. ft., most recent use—admin., possible asbestos, off-site use only

Bldg. 2264
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 219620671
Status: Unutilized
Comment: 2500 sq. ft., most recent use—admin., possible asbestos, off-site use only

Louisiana

Bldg. 3322, Fort Polk
Texas Avenue
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 219440441
Status: Unutilized
Comment: 480 sq. ft., 1 story, needs repairs, most recent use—offices

Maryland

Bldgs. TMA4, TMA5, TMA8, TMA9
Fort George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–5115
Landholding Agency: Army
Property Number: 219320292
Status: Unutilized
Comment: approx, 800 sq. ft. steel plate, gravel base ammunition storage area, fair condition

Montana

USARC Bozeman Reserve Center
32 South Tracy Ave.
Bozeman Co: Gallatin MT
Landholding Agency: Army
Property Number: 219420391
Status: Unutilized
Comment: 15236 sq. ft., 3-story reserve center on .54 acres, bldg. on National Register of Historic Places, secured with alternate access
GSA Number: 7–D–MT–0605

Nevada

U.S. Army Reserve Center
685 East Plumb Lane
Reno Co: Washoe NV 89502–
Landholding Agency: Army
Property Number: 219340180
Status: Unutilized
Comment: 11457 sq. ft. Reserve Center & 2611 sq. ft. vehicle repair shop on 4.29 acres, presence of asbestos, 1-story each, perpetual easement for road right of way 50 ft. from prop.

New Jersey

Bldg. 1392
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219540008

Status: Unutilized
Comment: 1128 sq. ft., 1 story fire/electrical/safety code violations, needs repairs, most recent use—family housing

Oklahoma

Bldg. P–508
U.S. Army Reserve Center, Norman #02
Norman Co: Cleveland OK
Landholding Agency: Army
Property Number: 219630186
Status: Unutilized
Comment: 210 sq. ft., most recent use—storehouse, off-site use only

Texas

Bldg. P–2000, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220389
Status: Underutilized
Comment: 49,542 sq. ft., 3-story brick structure, within National Landmark Historic District

Bldg. P–2001, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220390
Status: Underutilized
Comment: 16,539 sq. ft., 4-story brick structure, within National Landmark Historic District

Bldg. T–189, Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220402
Status: Underutilized
Comment: 11,949 sq. ft., 4-story brick structure, within National Landmark Historic District, possible lead contamination

Bldg. 1, Fort Hood
Lubbock Co: Lubbock TX 79408–
Landholding Agency: Army
Property Number: 219440336
Status: Unutilized
Comment: 11,440 sq. ft., 1 story, fair condition, to be vacated 6/30/95, off-site removal only, most recent use—army reserve center

Bldg. P–8249
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219440455
Status: Excess
Comment: 2,775 sq. ft., 1 story wood frame, lead paint, off-site removal only, most recent use—family housing

Bldg. S–1461
Fort Sam Houston
Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610772
Status: Unutilized
Comment: 11,568 gross sq. ft., presence of asbestos/lead base paint, most recent use—admin., off-site use only

Bldg. T–5114
Fort Sam Houston
Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610777
Status: Unutilized
Comment: 3612 gross sq. ft., presence of asbestos/lead base paint, most recent use—dining hall, off-site use only

Bldgs. P–6088 thru P–6091
Fort Sam Houston
Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610781
Status: Unutilized
Comment: 465 gross sq. ft. each, presence of lead base paint, needs repair, most recent use—storage, off-site use only

Bldg. T–6101
Fort Sam Houston
Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219610782
Status: Unutilized
Comment: 400 sq. ft., presence of lead base paint, most recent use—dispatch office, off-site use only

Vermont

Conti-Tracy USAR Center
Montpelier Co: Washington VT 05602–9513
Landholding Agency: Army
Property Number: 219630197
Status: Unutilized
Comment: 2,240 sq. ft., brick, proposed outgrant, most recent use—vehicle maintenance

Virginia

Bldg. T–179
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630001
Status: Underutilized
Comment: 1,798 sq. ft., most recent use—storage, off-site use only

Bldg. T–181
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630002
Status: Underutilized
Comment: 1,835 sq. ft., most recent use—office, off-site use only

Bldg. T–182
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630003
Status: Underutilized
Comment: 1,997 sq. ft., most recent use—office, off-site use only

Bldg. T–183
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630004
Status: Underutilized
Comment: 1,760 sq. ft., most recent use—office, off-site use only

Bldg. T–184
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630005
Status: Underutilized
Comment: 1750 sq. ft., most recent use—office, off-site use only

Bldg. T–185
Fort Monroe
Ft. Monroe VA 23651–
Landholding Agency: Army
Property Number: 219630006
Status: Underutilized
Comment: 861 sq. ft., most recent use—office, off-site use only

Land (by State)

Illinois

Bridge Ramp & Property
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219620665
Status: Unutilized
Comment: Bridge Ramp 24 ft. wide, 600 ft. long

North Carolina

.92 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610728
Status: Underutilized
Comment: municipal drinking waterwell, restricted by explosive safety regs., New Hanover County Buffer Zone

10 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610729
Status: Underutilized
Comment: municipal park, restricted by explosive safety regs., New Hanover County Buffer Zone

257 Acre—Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219610730
Status: Underutilized
Comment: state park, restricted by explosive safety regs., New Hanover County Buffer Zone

24.83 Acres—Tract of Land
Military Ocean Terminal, Sunny Point
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219620685
Status: Underutilized
Comment: 24.83 acres, municipal park, most recent use—New Hanover County explosive buffer zone

Texas

Vacant Land, Fort Sam Houston
All of Block 1800, Portions of blocks 1900, 3100 and 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220438
Status: Unutilized
Comment: 210.83 acres, 85% located in floodplain, presence of unexploded ordnance, 2 land fill areas

Suitable/To Be Excessed

Buildings (by State)

New York

Bldg. P–1
Glen Falls Reserve Center
Glen Falls Co: Warren NY 12801–
Location: 67–73 Warren Street

Landholding Agency: Army
Property Number: 219540015
Status: Unutilized
Comment: 19613 sq. ft., 2 story w/basement, concrete block/brick frame on .475 acres

Bldgs. P–1 & P–2
Elizabethtown Reserve Center
Corner of Water and Cross Streets
Elizabethtown Co: Esses NY 12932–
Landholding Agency: Army
Property Number: 219550016
Status: Unutilized
Comment: 4316 sq. ft. reserve center/1325 sq. ft. motor repair shop, 1 story each, concrete block/brick frame, on 5.05 acres

Bldgs. P–1 & P–2
Olean Reserve Center
423 Riverside Drive
Olean Co: Cattaraugus NY 14760–
Landholding Agency: Army
Property Number: 219550017
Status: Unutilized
Comment: 4464 sq. ft. reserve center/1325 sq. ft. motor repair shop, 1 story each, concrete block/brick frame, on 3.9 acres

Land (by State)

New York

Galeville Army Training Site
Shawangunk Co: Ulster NY 12589–
Landholding Agency: Army
Property Number: 219510128
Status: Underutilized
Comment: 621.05 acres, improved w/inactive runway, airfield & taxi-way, potential utilities, 234 acres is wetlands and habitat for threatened species

Texas

Land Saginaw Army Aircraft Plt
Saginaw Co: Tarrant TX 76070–
Landholding Agency: Army
Property Number: 219014814
Status: Unutilized
Comment: 43.08 acres, includes buildings/structures/parking and air strip

Unsuitable Properties

Buildings (by State)

Alabama

123 Bldgs.
Redstone Arsenal
Redstone Arsenal Co: Madison AL 35898–
Landholding Agency: Army
Property Number: 219014009, 219014012, 219014015–219014051, 219014060, 219014292, 219110109, 219120247–219120250, 219230190, 219330002, 219430266–219430277, 219430284–219430290, 219440078–219440082, 219530010–219530048, 219610272–219610280, 219630015–219630018
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

75 Bldgs., Fort Rucker
Ft. Rucker Co: Dale AL 36362
Landholding Agency: Army
Property Number: 219220343–219220344, 219310016, 219320001, 219330003–219330010, 219340116, 219340118, 219340124–219340125, 219410022–219410023, 219430261–219430264, 219440083–219440084, 219440094–219440095, 219520057–219520058, 219530008, 219620371–219620374, 219620802, 219630009–219630014, 219640001–219640004, 219640440–219640444
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 25203, 25205–25207, 25209, 25501, 25503, 25505, 25507, 25510, 29101, 29103–29109
Fort Rucker
Stagefield Areas
Ft. Rucker Co: Dale AL 36362–5138
Landholding Agency: Army
Property Number: 219410020–219410021, 219410024
Status: Unutilized
Reason: Secured area

27 Bldgs.
Phosphate Development Works
Muscle Shoals Co: Colbert AL 35660–1010
Landholding Agency: Army
Property Number: 219220789–219220815
Status: Unutilized
Reason: Extensive deterioration

Bldg. 402–C
Alabama Army Ammunition Plant
Childersburg Co: Talladega AL 35044
Landholding Agency: Army
Property Number: 219420124
Status: Unutilized
Reason: Secured Area

Alaska

17 Bldgs.
Fort Greely
Ft. Greely AK 99790–
Landholding Agency: Army
Property Number: 219210124–219210125, 219220320–219220332, 219520064
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs., Fort Wainwright
Ft. Wainwright AK 99703
Landholding Agency: Army
Property Number: 219620369, 219640005–219640007
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area; Floodway

Bldg. 1501, Fort Greely
Ft. Greely AK 99505
Landholding Agency: Army
Property Number: 219240327
Status: Unutilized
Reason: Secured Area

Sullivan Roadhouse, Fort Greely
Ft. Greely AK
Landholding Agency: Army
Property Number: 219430291
Status: Unutilized
Reason: Extensive deterioration

Bldg. 45070, Fort Richardson
Ft. Richardson AK 99505
Landholding Agency: Army
Property Number: 219620370
Status: Unutilized
Reason: Extensive deterioration

Arizona

32 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014560–219014591
Status: Underutilized
Reason: Secured Area

10 properties: 753 earth covered igloos; above ground standard magazines
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219014592–219014601
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Navajo Depot Activity
Bellemont Co: Coconino AZ 86015–5000
Location: 12 miles west of Flagstaff, Arizona on I–40
Landholding Agency: Army
Property Number: 219030273–219030274, 219120175–219120181
Status: Unutilized
Reason: Secured Area

Bldgs. 68054, 15557,15558, 64013
Fort Huachuca
Sierra Vista Co: Cochise AZ 85635–
Landholding Agency: Army
Property Number: 219430315, 219640478–219640479
Status: Excess
Reason: Extensive deterioration

Bldg. S–2085
Yuma Proving Ground
Yuma Co: Yuma/LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219330020
Status: Unutilized
Reason: Secured area

Bldg. T–231
Yuma Proving Ground
Yuma Co: LaPaz AZ 85365–9104
Landholding Agency: Army
Property Number: 219510093
Status: Unutilized
Reason: Extensive deterioration

Arkansas

6 Bldgs.
Pine Bluff Arsenal
Pine Bluff Co: Jefferson AR 71602–9500
Landholding Agency: Army
Property Number: 219420138–219420142, 219440077
Status: Unutilized
Reason: Secured Area; Extensive deterioration

194 Bldgs., Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–5000
Landholding Agency; Army
Property Number: 219630019–219630029, 219640445–219640477
Status: Unutilized
Reason: Extensive deterioration

California

Bldgs. P–177, P–178, 325, S–308, S–308A, T–308B
Fort Hunter Liggett
Jolon Co: Monterey CA 93928–
Landholding Agency: Army
Property Number: 219012414–219012415. 219012600, 219240284–219240285, 219240287
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material (Some are in a secured area.)

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219012554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

11 Bldgs., Nos. 2–8, 156, 1, 120, 181
Riverbank Army Ammunition Plant
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219013582–219013588, 219013590, 219240444, 219240446
Status: Underutilized
Reason: Secured Area

9 Bldgs.
Oakland Army Base
Oakland Co: Alameda CA 94626–5000
Landholding Agency: Army
Property Number: 219013903–219013906, 219120051, 219340008–219340011
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

Bldg. S–184
Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928–
Landholding Agency: Army
Property Number: 219014602
Status: Underutilized
Reason: Secured Area

Bldg. 173
Roth Road—Sharpe Army Depot
Lathrop Co: San Joaquin CA
Landholding Agency: Army
Property Number: 219014940
Status: Unutilized
Reason: Secured Area

Bldgs. 13, 171, 178 Riverbank Ammun Plant
5300 Claus Road
Riverbank Co: Stanislaus CA 95367–
Landholding Agency: Army
Property Number: 219120162–219120164
Status: Underutilized
Reason: Secured Area

Bldgs. T–187, 403, 194 Fort Hunter Liggett
Ft. Hunter Liggett Co: Monterey CA 93928
Landhholding Agency: Army
Property Number: 219240321, 219440184, 219610287
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 36, Tracy Facility
Tracy Co: San Joaquin CA 95376
Landholding Agency: Army
Property Number: 219330023
Status: Unutilized.
Reason: Secured Area

10 Bldgs., Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219330026–219330035
Status: Unutilized
Reason: Secured Area; Extensive Deterioration

Bldgs.
DDDRW Sharpe Facility
Tracy Co: San Joaquin, CA 95331
Landholding Agency: Army
Property Number: 219430025–219430026, 219430032–219430033, 219610289–219610296
Status: Unutilized.
Reason: Secured Area

US Army Reserve Center
Rio Vista Co: Sonoma CA 94571
Landholding Agency: Army
Property Number: 219430316
Status: Unutilized
Reason: Floodway

6 Buildings
Oakland Army Base
Oakland Co: Alameda CA 94626
Location: Include: 90, 790, 792, 807, 829, 916
Landholding Agency: Army
Property Number: 219510097
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material

Bldg. 43; Bunkers 41, 42, 45, 46, 47
Santa Rosa High Frequency Radio Station
Santa Rosa CA
Landholding Agency: Army
Property Number: 219520036
Status: Excess
Reason: Secured Area

Bldgs. 29, 39, 73, 154, 155, 193, 204, 257
Los Alamitos Co: Orange CA 90720–5001
Landholding Agency: Army
Property Number: 219520040
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1103, 1131
Parks Reserve Forces Training Area
Dubin Co: Alameda CA 94568–5201
Landholding Agency: Army
Property Number: 219520056
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 144, 429–430
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 219530066
Status: Unutilized
Reason: Secured Area; Extensive deterioration

19 Bldgs.
National Training Center, Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Location: 556, 558, 562, 564, 578, 581, 584, 586, 609, 474, 600, 410, 427, 485, 483, 579, 583, 570, 568
Landholding Agency: Army
Property Number: 219530067
Status: Unutilized
Reason: Secured Area; Extensive deterioration

20 Buildings
National Training Center
Fort Irwin Co: San Bernardino CA 92311–5097
Location: 426, 428, 435–437, 439, 441, 462, 464, 466, 510, 527, 529, 537, 539, 544–545, 547, 549, 608
Landholding Agency: Army
Property Number: 219610288
Status: Unutilized
Reason: Secured Area

Bldg. T–386, National Training Center
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310
Landholding Agency: Army
Property Number: 2195640008
Status: Unutilized
Reason: Extensive deterioration

Colorado

Bldgs. T–317, T–412, 431, 433
Rocky Mountain Arsenal
Commerce Co: Adams CO 80022–2180
Landholding Agency: Army
Property Number: 219320013–219320016
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

57 Bldgs. Fort Carson
Ft. Carson Co: El Paso CO 80913–5023
Landholding Agency: Army
Property Number: 219610297–219610318, 219620384–219620409, 219640009
Status: Unutilized
Reason: Extensive deterioration

Georgia

Fort Stewart
Sewage Treatment Plant
Ft. Stewart Co: Hinesville GA 31314–
Landholding Agency: Army
Property Number: 219013922
Status: Unutilized
Reason: Sewage treatment

Facility 12304
Fort Gordon
Augusta Co: Richmond GA 30905–
Location: Located off Lane Avenue
Landholding Agency: Army
Property Number: 219014787
Status: Unutilized
Reason: Wheeled vehicle grease/inspection rack

137 Bldgs.
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219220269, 219220293, 219320026, 219410039–219410072, 219410089, 219410091–219410116, 219410120, 219410122, 219410125, 219410131, 219440199, 219520067, 219610330–219610340, 219610346, 219630042–219630069, 219640011–219640037
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 11726–11727
Fort Gordon
Augusta Co: Richmond GA 30905–
Landholding Agency: Army
Property Number: 219210138–219210139
Status: Unutilized
Reason: Secured Area

4 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219220334–219220337
Status: Unutilized
Reason: Detached lavatory

16 Bldgs., Fort Benning
Ft. Benning Co: Muscogee GA 31905
Landholding Agency: Army
Property Number: 219520150, 219610319–219610324, 219620808–219620810, 219640039–219640044, 219640046
Status: Unutilized
Reason: Extensive deterioration

23 Bldgs.
Fort Gillem
Forest Park Co: Clayton GA 30050
Landholding Agency: Army
Property Number: 219310091, 219310093–219310094, 219310099, 219310107, 219320030, 219320033, 219620416–219620421, 219620815–219620824
Status: Unutilized
Reason: (Some are extensively deteriorated.) (Most are in a secured area.)

9 Bldgs., Fort Stewart
Hinesville Co: Liberty GA 31314
Landholding Agency: Army
Property Number: 219420162, 219610328–219610329, 219630072–219630077
Status: Unutilized
Reason: Extensive Deterioration

16 Bldgs., Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219430319, 219610325–219610326, 219620413–219620415, 219630031–219630039, 219640038
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–8063, Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219520027
Status: Excess
Reason: Latrine

Bldgs. T–707, T–709, T–713, T–714, T–715, T–716, T–717, T–914, T–922
Hunter Army Airfield
Savannah Co: Chatham GA 31409
Landholding Agency: Army
Property Number: 219520041
Status: Excess
Reason: Extensive Deterioration

Bldgs. 246, 155, 133, Fort McPherson
Ft. McPherson Co: Fulton GA 30330–5000
Landholding Agency: Army
Property Number: 219620803, 219630070, 219640010
Status: Underutilized
Reason: Secured Area

Hawaii

PU–01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219014836–219014837
Status: Unutilized
Reason: Secured Area

P–3384
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786–
Landholding Agency: Army
Property Number: 219030361
Status: Unutilized
Reason: Secured Area

5 Bldgs., Fort Shafter
Honolulu Co: Honolulu HI 96819
Landholding Agency: Army
Property Number: 219320035, 219530072–219530073, 219610349–219610350
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs.
Schofield Barracks
Wahiawa Co: Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219320034, 219420154, 219520063, 219610347, 219630080, 219640050–219640051
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs.
Wheeler Army Airfield
Wahiawa HI 96857
Landholding Agency: Army
Property Number: 219510088, 219520039, 219610348, 219630078–219630079, 219640052
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Bldgs. P–01506, S01507, P–01508
Wheeler Army Airfield
Wahiawa HI 96786
Landholding Agency: Army
Property Number: 219520003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. P–33, P–30, T–136
Dillingham Military Reservation
Waialua HI 96791
Landholding Agency: Army
Property Number: 219620423–219620425
Status: Unutilized
Reason: Extensive deterioration

Illinois

609 Bldgs. and Groups
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010153–219010317, 219010319–219010407, 219010409–219010413, 219010415–219010439, 219011750–219011879, 219011881–219011908, 219012331, 219013076–219013138, 219014722–219014781, 219030277–219030278, 219040354, 219140441–219140446, 219210146, 219240457–219240465, 219330062–219330094
Status: Unutilized
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.

Bldgs. 58, 59 and 72, 69, 64, 105 135
Rock Island Arsenal
Rock Island Co: Rock Island IL 61299–5000
Landholding Agency: Army
Property Number: 219110104–219110108, 219620427
Status: Unutilized
Reason: Secured Area

Bldgs. 133, 141 Rock Island Arsenal
Gillespie Avenue
Rock Island Co: Rock Island IL 61299–
Landholding Agency: Army
Property Number: 219210100, 219620428
Status: Unutilized
Reason: Extensive deterioration

13 Bldgs. Savanna Army Deport Activity
Savanna Co: Carroll IL 61074
Landholding Agency: Army
Property Number: 219230126–219230127, 219430326–219430335, 219430397
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 103, 114, 417, 110
Charles Melvin Price Support Center
Granite City Co: Madison IL 62040
Landholding Agency: Army
Property Number: 219420182–219420184, 219510008
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Indiana

328 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown Co: Clark IN 47111–
Landholding Agency: Army
Property Number: 219010913–219010920, 219010924–219010936, 219010952, 219010955, 219010957, 219010959–219010960, 219010962–219010964, 219010966–219010967, 219010969–219010970, 219011449, 219011454, 219011456–219011457, 219011459–219011464, 219013764, 219013848, 219014608–219014653, 219014655–219014661, 219014663–219014683, 219030315, 219120168–219120171, 219140425–219140440, 219210152–219210155, 219230034–219230037, 219320036–219320111, 219420170–219420181, 219440159–219440163, 219610367–219610413, 219620435–219620452
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material (Most are within a secured area.)

172 Bldgs.
Newport Army Ammunition Plant
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number: 219011584, 219011586–219011587, 219011589–219011590, 219011592–219011627, 219011629–219011636, 219011638–219011641, 219210149–219210151, 219220220, 219230032–219230033, 219430336–219430338, 219520033, 219520052, 219530075–219530097
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

2 Bldgs.
Atterbury Reserve Forces Training Area
Edinburgh Co: Johnson IN 46124–1096
Landholding Agency: Army
Property Number: 219230030–219230031
Status: Unutilized
Reason: Extensive deterioration

Bldg. 2635, Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number: 219240322
Status: Unutilized
Reason: Secured Area; Extensive deterioration

22 Bldgs., Camp Atterbury
Edinburgh IN 46124
Landholding Agency: Army
Property Number: 219610351–219610366, 219620429–219620434
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Iowa

96 Bldgs.
Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638–
Landholding Agency: Army

Property Number: 219012605–219012607, 219012609, 219012611, 219012613, 219012615, 219012620, 219012622, 219012624, 219013706–219013738, 219120172–219120174, 219440112–219440158, 219510089, 219520002, 219520070, 219610414
Status: Unutilized
Reason: (Many are in a Secured Area) (Most are within 2000 ft. of flammable or explosive material.)

30 Bldgs., Iowa Army Ammunition Plant
Middletown Co: Des Moines IA 52638
Landholding Agency: Army
Property Number: 219230005–219230029, 219310017, 219330061, 219340091, 219520053, 219520151
Status: Unutilized
Reason: Extensive deterioration

Kansas

37 Bldgs.
Kansas Army Ammunition Plant
Production Area
Parsons Co: Labette KS 67357–
Landholding Agency: Army
Property Number: 219011909–219011945
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

244 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219040039, 219040045, 219040048–219040051, 219040053, 219040055, 219040063–219040067, 219040072–219040080, 219040086–219040099, 219040102, 219040111–219040112, 219040118–219040119, 219040121–219040124, 219040126, 219040128–219040133, 219040136–219040137, 219040139–219040140, 219040143, 219040149–219040154, 219040156, 219040160–219040165, 219040168–219040170, 219040180, 219040182–219040185, 219040190–219040191, 219040202, 219040205–219040207, 219040208, 219040210–219040221, 219040234–219040239, 219040241–219040254, 219040256–219040257, 219040260, 219040262–219040267, 219040270–219040279, 219040282–219040319, 219040321–219040323, 219040325–219040327, 219040330–219040335, 219040349, 219040353, 219110073, 219140569–219140577, 219140580–219140591, 219140594, 219140599–219140601, 219140606–219140612, 219420185–219240287, 219610415–219610437
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway; Secured Area

21 Bldgs.
Sunflower Army Ammunition Plant
35425 W. 103rd Street
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219040007–219040008, 219040010–219040012, 219040014–219040027, 219040030–219040031
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway

70 Bldgs.
Fort Riley
Ft. Riley Co: Geary KS 66442–
Landholding Agency: Army
Property Number: 219430040, 219530100–219530101, 219530109–219530125, 219610438–219610468, 219610613–219610626, 219620453–219620455, 219620825–219620826, 219630085
Status: Unutilized
Reason: Extensive deterioration

11 Latrines
Sunflower Army Ammunition Plant
35425 West 103rd
DeSoto Co: Johnson KS 66018–
Landholding Agency: Army
Property Number: 219140578–219140579, 219140593, 219140595–219140598, 219140602–219140605
Status: Unutilized
Reason: Detached Latrine

68 Bldgs., Sunflower Army Ammunition Plant
DeSoto Co: Johnson KS 66018
Landholding Agency: Army
Property Number: 219240333–219240383, 219240387, 219240389, 219240390, 219240394, 219240402, 219240410–219240416, 219240420, 219240434–219240437
Status: Unutilized
Reason: Secured Area; Within 2000 ft. of flammable or explosive material; Extensive deterioration

121 Bldgs.
Kansas Army Ammunition Plant
Parsons Co: Labette KS 67357
Landholding Agency: Army
Property Number: 219620518–219620638
Status: Unutilized
Reason: Secured Area

Kentucky

Bldg. 126
Lexington-Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles northeast of Lexington, Kentucky.
Landholding Agency: Army
Property Number: 219011661
Status: Unutilized
Reason: Secured Area; Sewage treatment facility

Bldg. 12
Lexington—Blue Grass Army Depot
Lexington Co: Fayette KY 40511–
Location: 12 miles Northeast of Lexington Kentucky.
Landholding Agency: Army
Property Number: 219011663
Status: Unutilized
Reason: Industrial waste treatment plant.

8 Bldgs., Fort Knox
Ft. Knox Co: Hardin KY 40121–
Landholding Agency: Army
Property Number: 219320113–219320115, 219410146, 219630081–219630084
Status: Unutilized
Reason: Extensive deteriorations

5 Bldgs., Fort Campbell
Ft. Campbell Co: Christian KY 42223
Landholding Agency: Army
Property Number: 219430047, 219610632–219610634, 219620456–219620457
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

Louisiana

509 Bldgs.
Louisiana Army Ammunition Plant
Doylin Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219011668–219011670, 219011714–219011716, 219011735–219011737, 219012112, 219013571–219013572, 21901383–219013869, 219110127, 219110131, 219110136, 219120290, 219240138–219240150, 219420332, 219610049–219610263, 219620001–219620200, 219620745–219620801
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material), (Some are extensively deteriorated)

Staff Residences
Louisiana Army Ammunition Plant
Doyline Co: Webster LA 71023–
Landholding Agency: Army
Property Number: 219120284–219120286
Status: Excess
Reason: Secured Area

19 Bldgs., Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–7100
Landholding Agency: Army
Property Number: 219430339, 219520059, 219620458–219620466, 219640053–219640060
Status: Unutilized
Reason: Extensive deterioration (Some are in Floodway.)

Maryland

98 Bldgs.
Aberdeen Proving Ground
Aberdeen City Co: Hartford MD 21005–5001
Landholding Agency: Army
Property Number: 219011406–219011417, 219012608, 219012610, 219012612, 219012614, 219012616–219012617, 219012619, 219012623, 219012625–219012629, 219012631, 219012633–219012635, 219012637–219012642, 219012645–219012651, 219012655–219012664, 219013773, 219014711–219014712, 219030316, 219110140, 219240329, 219530128–219530131, 219610476–219610483, 219610485, 219610489–219610492, 219620467–219620471, 219630091–219630095, 219640062
Status: Unutilized
Reason: Most are in a secured area. (Some are within 2000 ft. of flammable or explosive material), (Some are in a floodway), (Some are extensively deteriorated)

Bldg. 10401
Aberdeen Proving Ground
Aberdeen Area
Hartford Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110138
Status: Unutilized
Reason: Sewage treatment plant

Bldg. 10402
Aberdeen Proving Ground
Aberdeen Area
Aberdeen City Co: Harford MD 21005–5001
Landholding Agency: Army
Property Number: 219110139

Status: Unutilized
Reason: Sewage pumping station

15 Bldgs. Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 219130059, 219140460–219140461, 219220147, 219220173, 219220190, 219310031, 219330116, 219330118, 219420334, 219530167–219530168, 219630088–219630090
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 132, 135 Fort Ritchie
Ft. Ritchie Co: Washington MD 21719–5010
Landholding Agency: Army
Property Number: 219330109–219330110
Status: Underutilized
Reason: Secured Area

Bldgs. T–116, 703 Fort Detrick
Frederick Co: Frederick MD 21762–5000
Landholding Agency: Army
Property Number: 219340012, 219640063
Status: Unutilized
Reason: Extensive deterioration

Massachusetts

Material Technology Lab
405 Arsenal Street
Watertown Co: Middlesex MA 02132–
Landholding Agency: Army
Property Number: 219120161
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway, Secured Area

Bldg. 3462, Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 024620–5003
Landholding Agency: Army
Property Number: 219230095
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 3596, 1209–1211 Camp Edwards
Massachusetts Military Reservation
Bourne Co: Barnstable MA 02462–5003
Landholding Agency: Army
Property Number: 219230096, 219310018–219310020
Status: Unutilized
Reason: Secured Area

Michigan

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren Co: Macomb MI 48090–
Landholding Agency: Army
Property Number: 219014605
Status: Underutilized
Reason: Secured Area

Bldgs. 5755–5756
Newport Weekend Training Site
Carleton Co: Monroe MI 48166
Landholding Agency: Army
Property Number: 219310060–219310061
Status: Unutilized
Reason: Secured Area, Extensive deterioration

25 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta Co: Kalamazoo MI 49102–9205
Landholding Agency: Army
Property Number: 219014947–219014963, 219140447–219140454
Status: Unutilized
Reason: Secured Area

Minnesota

169 Bldgs.
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112–
Landholding Agency: Army
Property Number: 219120165–219120166, 219210014–219210015, 219220227–219220235, 219240328, 219310055–219310056, 219320145–219320156, 219330096–219330108, 219340015, 219410159–219410189, 219420195–219420284, 219430059–219430064
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material.), (Some are extensively deteriorated)

Mississippi

Bldg. 8301
Mississippi Army Ammunition Plant
Stennis Space Center Co: Hancock MS 39529–7000
Landholding Agency: Army
Property Number: 219040438
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Missouri

Lake City Army Ammo. Plant
59, 59A, 59C, 59B, 18, 94, 149, T201, 6A, 6C, 6D, 6E, 6F
Independence Co: Jackson MO 64050–
Landholding Agency: Army
Property Number: 219013666–219013669, 219530134–219530138
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

9 Bldgs.
St. Louis Army Ammunition Plant
4800 Goodfellow Blvd.
St. Louis Co: St. Louis MO 63120–1798
Landholding Agency: Army
Property Number: 219120067–219120068, 219610469–219610475
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated.)

10 Bldgs.
Fort Leonard Wood
Ft. Leonard Wood Co: Pulaski MO 65473–5000
Landholding Agency: Army
Property Number: 219140422–219140423, 219430070–219430078
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Montana

Bldgs. T0033, T0451, T0452
Fort Harrison
Ft. Harrison Co: Lewis/Clark MT 59636
Landholding Agency: Army
Property Number: 219620473–219620475
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Extensive deterioration

Nevada

7 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219011953, 219011955, 219012061–219012062, 219012106, 219013614, 219230090
Status: Unutilized
Reason: Secured Area

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs W/Dining Facilities
Hawthorne Co: Mineral NV 89415–
Location: East side of Decatur Street-North of Maine Avenue
Landholding Agency: Army
Property Number: 219011997
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

51 Bldgs.
Hawthorne Army Ammunition Plant
Hawthorn Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219012009, 219012013, 219012021, 219012044, 219013615–219013651, 219013653–219013656, 219013658–219013661, 219013663, 219013665
Status: Underutilized
Reason: Secured Area (Some within airport runway clear zone; many within 2000 ft. of flammable or explosive material)

62 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: North Mag. Area
Landholding Agency: Army
Property Number: 219120150
Status: Unutilized
Reason: Secured Area

259 Concrete Explo. Mag. Stor.
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Location: South & Central Mag. Areas
Landholding Agency: Army
Property Number: 219120151
Status: Unutilized
Reason: Secured Area

Facility No. 00A38
Hawthorne Army Ammunition Plant
Hawthorne Co: Mineral NV 89415–
Landholding Agency: Army
Property Number: 219330119
Status: Unutilized
Reason: Extensive deterioration

New Jersey

213 Bldgs.
Armament Res. Dev. & Eng. Ctr.
Picatinny Arsenal Co: Morris NJ 07806–5000
Location: Route 15 north
Landholding Agency: Army
Property Number: 219010440–219010474, 219010476, 219010478, 219010639–219010665, 219010669–219010721, 219012423–219012424, 219012426–219012428, 219012430, 219012431, 219012433–219012466, 219012469–219012472, 219012474–219012475, 219012758–219012760, 219012763–219012767, 219013787, 219014306–219014307, 219014311, 219014313–219014321, 219140617, 219230119–219230125, 219240315, 219420001–219420002, 219420006–219420008, 219510003–219510004, 219540002–219540007, 219620476, 219640480–219640482

Status: Excess
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material.), (Some are extensively deteriorated), (Some are in a floodway)

2 Bldgs.
Fort Monmouth
Wall Co: Monmouth NJ 07719–
Landholding Agency: Army
Property Number: 219420335, 219440206
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated), (Some are in a floodway)

13 Bldgs., Military Ocean Terminal
Bayonne Co: Hudson NJ 07002–
Landholding Agency: Army
Property Number: 219013890–219013896, 219330141–219330143, 219430001, 219440200, 219520149
Status: Unutilized
Reason: Floodway, Secured Area

Structure 403B
Armament Research, Dev. & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219510001
Status: Unutilized
Reason: Drop Tower

9 Bldgs.
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number: 219530142–219530151
Status: Unutilized
Reason: Extensive deterioration (Most are in a secured area.)

Bldg. T00219, Fort Dix
Ft. Dix Co: Burlington NJ 08640–5505
Landholding Agency: Army
Property Number: 219630098
Status: Unutilized
Reason: Extensive deterioration

New Mexico

6 Bldgs.
White Sands Missile Range
White Sands Co: Dona Ana NM 88802
Landholding Agency: Army
Property Number: 219330144–219330147, 219430126–219430127
Status: Unutilized
Reason: Extensive Deterioration

New York

Bldgs. 110, 143, 2084, 2105, 2110
Seneca Army Depot
Romulus Co: Seneca NY 14541–5001
Landholding Agency: Army
Property Number: 219240439, 219240440–219240443
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 124, 1332
U.S. Military Academy
West Point Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219330148, 219610494
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 3008, Stewart Gardens
Stewart Army Subpost
New Windsor Co: Orange NY 12553
Landholding Agency: Army
Property Number: 219420285
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–683, Fort Drum
Ft. Drum Co: Jefferson NY 13602
Landholding Agency: Army
Property Number: 219510016
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. 1184
Constitution Island, U.S. Military Academy
Cold Springs Co: Putman NY 10516
Landholding Agency: Army
Property Number: 219630096
Status: Underutilized
Reason: Extensive deterioration

Bldg. 1537, Camp Buckner
U.S. Military Academy—West Point
Highlands Co: Orange NY 10996
Landholding Agency: Army
Property Number: 219630097
Status: Underutilized
Reason: Extensive deterioration

North Carolina

110 Bldgs. Fort Bragg
Ft. Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219440295, 219530156–219530165, 219610495–219610508, 219610512–219610514, 219610517–219610520, 219610524–219610526, 219620477–219620480, 219630099–219630108, 219640064–219640128
Status: Unutilized
Reason: Extensive deterioration

Bldg. 16
Military Ocean Terminal
Southport Co: Brunswick NC 28461–5000
Landholding Agency: Army
Property Number: 219530155
Status: Unutilized
Reason: Secured Area

Bldgs. 4–2402, A–AREA
Simmons Army Airfield
Fort Bragg Co: Cumberland NC 28307
Landholding Agency: Army
Property Number: 219620482–219620483
Status: Unutilized
Reason: Extensive deterioration

Ohio

63 Bldgs.
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219012476–219012507, 219012509–219012513, 219012515, 219012517–219012518, 219012520, 219012522–219012523, 219012525–219012528, 219012530–219012532, 219012534–219012535, 219012537, 219013670–219013677, 219013781, 219210148
Status: Unutilized
Reason: Secured Area

12 Bldgs., Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number: 219320399–219320410
Status: Unutilized
Reason: Extensive deterioration

Bldg. 116
Defense Supply Center, Columbus (DSCC)
Columbus Co: Franklin OH 43216
Landholding Agency: Army
Property Number: 219620491
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Oklahoma

546 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–5000
Landholding Agency: Army
Property Number: 219011674, 219011680, 219011684, 219011687, 219012113, 219013981–219013991, 219013994, 219014081–219014102, 219014104, 219014107–219014137, 219014141–219014159, 219014162, 219014165–219014216, 219014218–219014274, 219014336–219014559, 219030007–219030127, 219040004
Status: Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

13 Bldgs.
Fort Sill
Lawton Co: Comanche OK 73503–
Landholding Agency: Army
Property Number: 219140528–219140529, 219140545–219140548, 219140550–219140551, 219320337, 219440309, 219510023, 219610529
Status: Unutilized
Reason: Extensive deterioration

30 Bldgs.
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501
Landholding Agency: Army
Property Number: 219310050–219310053, 219320170–219320171, 291330149–219330160, 219430122–219430125, 219620485–219620490, 219630110–219630111
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Oregon

11 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012174–219012176, 219012178–219012179, 219012190–219012191, 219012197–219012198, 219012217, 219012229
Status: Underutilized
Reason: Secured Area

24 Bldgs.
Tooele Army Depot
Umatilla Depot Activity
Hermiston Co: Morrow/Umatilla OR 97838–
Landholding Agency: Army
Property Number: 219012177, 219012185–219012186, 219012189, 219012195–219012196, 219012199–219012205, 219012207–219012208, 219012225, 219012279, 219014304–219014305, 219014782, 219030362–219030363, 219120032, 219320201
Status: Unutilized
Reason: Secured Area

Pennsylvania

Hays Army Ammunition Plant
300 Miffin Road

Pittsburgh Co: Allegheny PA 15207–
Landholding Agency: Army
Property Number: 219011666
Status: Excess
Reason: Secured Area

Bldg. 82001, Reading USARC
Reading Co: Berks PA 19604–1528
Landholding Agency: Army
Property Number: 219320173
Status: Unutilized
Reason: Extensive deterioration

6 Bldgs.
Letterkenny Army Depot
Chambersburg Co: Franklin PA 17201
Landholding Agency: Army
Property Number: 219420400, 219430098, 219610531–219610536, 219610544
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldg. T–685, Carlisle Barracks
Carlisle Co: Cumberland PA 17013
Landholding Agency: Army
Property Number: 219610530
Status: Unutilized
Reason: Extensive deterioration

Bldg. 19
Screanton Army Ammunition Plant
Scranton Co: Lackawana PA 18505
Landholding Agency: Army
Property Number: 219630112
Status: Unutilized
Reason: Secured Area, Extensive deterioration

190 Bldgs.
Fort Indiantown Gap
Annville Co: Lebanon PA 17003–5011
Landholding Agency: Army
Property Number: 219640249–219640438
Status: Unutilized
Reason: Extensive deterioration

South Carolina

111 Bldgs., Fort Jackson
Ft. Jackson Co: Richland SC 29207
Landholding Agency: Army
Property Number: 219440237, 219440239, 219510017, 219530175, 219620306, 219620308–219620312, 219620315–219620368, 219640129–219640168, 219640483–219640489
Status: Unutilized
Reason: Extensive deterioration

Tennessee

32 Bldgs.
Volunteer Army Ammo. Plant
Chattanooga Co: Hamilton TN 37422–
Landholding Agency: Army
Property Number: 219010475, 219010483, 219010490–219010493, 219010497–219010499, 219240127–219240136, 219420304–219420307, 219430099–219430104, 219610545, 219640169–219640170
Status: Unutilized/Underutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material), (Some are extensively deteriorated)

32 Bldgs.
Holston Army Ammunition Plant
Kingsport Co: Hawkins TN 61299–6000
Landholding Agency: Army
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013789–219013790, 219030266, 219140613, 219330178, 219440212–219440216, 219510025–219510028
Status: Unutilized
Reason: Secured Area (Some are within 2000 ft. of flammable or explosive material)

9 Bldgs.
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240447–219240449, 219320182–219320184, 219330176–219330177, 219520034
Status: Unutilized
Reason: Secured Area

Bldg. Z–183A
Milan Army Ammunition Plant
Milan Co: Gibson TN 38358
Landholding Agency: Army
Property Number: 219240783
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Saginaw Army Aircraft Plant
Saginaw Co: Tarrant TX 76079–
Landholding Agency: Army
Property Number: 219011665
Status: Unutilized
Reason: Easement to city of Saginaw for sewer pipeline ending 5/15/2023

18 Bldgs.
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

95 Bldgs.
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661–
Location: State highway 43 north
Landholding Agency: Army
Property Number: 219012546, 219012548, 219610553–219610584, 219610635, 219620243–219620291, 219620827–219620837
Status: Unutilized
Reason: Secured Area (Most are within 2000 ft. of flammable or explosive material)

33 Bldgs., Red River Army Depot
Texarkana Co: Bowie TX 75507–5000
Landholding Agency: Army
Property Number: 219120064, 219130002, 219140255, 219230109–219230115, 219320193–219320194, 219330163, 219420314–219420327, 219430093–219430097, 219440217
Status: Unutilized
Reason: Secured Area (Some are extensively deteriorated)

Bldg. T–5000
Camp Bullis
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219220100
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Swimming Pools
Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219230108
Status: Unutilized
Reason: Extensive deterioration

23 Bldgs., Fort Hood
Ft. Hood Co: Bell TX 76544
Landholding Agency: Army
Property Number: 219340238, 219520061, 219610546–219610547, 219610585
Status: Unutilized
Reason: Extensive deterioration

20 Bldgs., Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330473, 219340095, 219530176–219530177, 219610549–219610551, 219640171–219640179, 219640182–219640185
Satus: Unutilized
Reason: Extensive Deterioration

Bldgs. T–2916, T–3180, T–3192, T–3398, T–2915
Fort Sam Houston
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number: 219330476–219330479, 219640181
Status: Unutilized
Reason: Detached latrines

6 Bldgs. Fort Bliss
El Paso Co: El Paso TX 79916
Landholding Agency: Army
Property Number: 219620238–219620239, 219640490–219640493
Status: Unutilized
Reason: Extensive deterioration

Starr Ranch, Bldg. 703B
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number: 219640186, 219640494
Status: Unutilized
Reason: Floodway

Utah

3 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012153, 219012166, 219030366
Status: Unutilized
Reason: Secured Area

11 Bldgs.
Tooele Army Depot
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219012143–219012144, 219012148–219012149, 219012152, 219012155, 219012156, 219012158, 219012742, 219012751, 219140267
Status: Underutilized
Reason: Secured Area

6 Bldgs.
Dugway Proving Ground
Dugway Co: Tooele UT 84022–
Landholding Agency: Army
Property Number: 219013997, 219130012, 219130015–219130018

Status: Underutilized
Reason: Secured Area

5 Bldgs.
Dugway Proving Ground
Dugway Co: Tooele UT 84022–
Landholding Agency: Army
Property Number: 219330181–219330182, 219330185, 219420328–219420329
Status: Unutilized
Reason: Secured Area

Bldg. 4520
Tooele Army Depot, South Area
Tooele Co: Tooele UT 84074–5008
Landholding Agency: Army
Property Number: 219240268
Status: Unutilized
Reason: Extensive deterioration

Virginia

175 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847–219010890, 219010892–219010912, 219011521–219011577, 219011581–219011583, 219011585, 219011588, 219011591, 219013559–219013570, 219110142–219110143, 219120071, 219140618–219140633, 219440219–219440225, 219510031–219510033, 219610607–219610608
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

13 Bldgs.
Radford Army Ammunition Plant
Radford Co: Montgomery VA 24141–
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010834–219010835, 219010837–219010838, 219010840–219010841, 219010843, 219010845–219010846, 219010891, 219011578–219011580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Latrine, detached structure

97 Bldgs.
U.S. Army Combined Arms Support Command
Fort Lee Co: Prince George VA 23801–
Landholding Agency: Army
Property Number: 219240096, 219240107, 219330191–219330197, 219330202–219330203, 219330206, 219330210–219330211, 212330219–219330220, 219330225–219330228, 219520062, 219610589–219610597, 219620497–219620507, 219620838–219620877, 219630114–219630115, 219640188–219640192, 219640496–219640505
Status: Unutilized
Reason: Extensive deterioration (Some are in a secured area.)

16 Bldgs.
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219220210–219220218, 219230100–219230103, 219520037
Status: Unutilized
Reason: Secured Area

Bldg. B7103–01, Motor House
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219240324
Status: Unutilized
Reason: Secured Area, Within 2000 ft. of flammable or explosive material, Extensive deterioration

Bldgs. 171, T–105, Fort Monroe
Ft. Monroe VA 23651
Landholding Agency: Army
Property Number: 219520051, 219640495
Status: Unutilized
Reason: Extensive deterioration

56 Bldgs.
Red Water Field Office
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219430341–219430396
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldgs. SS1238, TT806, T00399
Fort A.P. Hill
Bowling Green Co: Caroline VA 22427–
Landholding Agency: Army
Property Number: 219510030, 219610588, 219630113
Status: Underutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 2013–00, B2013–00, A1601–00
Radford Army Ammunition Plant
Radford VA 24141–
Landholding Agency: Army
Property Number: 219520052, 219530194
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 627, 822, Sand Pools, Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Army
Property Number: 219610586–219610587, 219640507
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 1426–1428, 1430–1431
Fort Belvoir
Ft. Belvoir Co: Fairfax VA 22060–5116
Landholding Agency: Army
Property Number: 219610609–219610610
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 712, 1022, 1034, 1041, 1028, 1042, 1044
Fort Story
Ft. Story Co: Princess Ann VA 23459
Landholding Agency: Army
Property Number: 219630116–219630117, 219640506
Status: Unutilized
Reason: Extensive deterioration

Washington

57 Bldgs., Fort Lewis
Ft. Lewis Co: Pierce WA 98433–5000
Landholding Agency: Army
Property Number: 219440233–219440234, 219510036, 219510039, 219610001–219610031, 219610035, 219610039–219610048, 219610264, 219620509–219620517, 219640193
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Bldgs. 524, 538, 539
Ft. Lawton
Seattle Co: King WA 98199
Landholding Agency: Army
Property Number: 219430130
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Moses Lake U.S. Army Rsv Ctr
Grant County Airport
Moses Lake Co: Grant Wa 98837
Landholding Agency: Army
Property Number: 219630118
Status: Unutilized
Reason: Within airport runway clear zone

Wisconsin

6 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011094, 219011209–219011212, 219011217
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Other environmental, Secured Area
Comment: friable asbestos

154 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219011104, 219011106, 219011108–219011113, 219011115–219011117, 219011119–219011120, 219011122–219011139, 219011141–219011142, 219011144, 219011148–219011208, 219011213–219011216, 219011218–219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265, 219011268, 219011270, 219011275, 219011277, 219011280, 219011282, 219011284, 219011286, 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304–219011311, 219011317, 219011319–219011321, 219011323
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, other environmental, Secured Area
Comment: friable asbestos

4 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013871–2193873, 219013875
Status: Underutilized
Reason: Secured Area

31 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI
Landholding Agency: Army
Property Number: 219013876–219013878, 219220295–219220311, 219510058–219510068
Status: Unutilized
Reason: Secured Area

Bldgs. 6513–27, 6823–2, 6861–4

Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219210097–219210099
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

86 Bldgs., Fort McCoy
US Hwy. 21
Fort McCoy Co: Monroe WI 54656–
Landholding Agency: Army
Property Number: 219210115, 219240206–219240243, 219240256, 219240258–219240262, 219310208–219310225, 219610611–219610612, 219620292–219620305, 219630119–219630123, 219640194–219640195
Status: Unutilized
Reason: Extensive deterioration

Bldg. 6513–3
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219510057
Status: Unutilized
Reason: Detached latrine

124 Bldgs.
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Landholding Agency: Army
Property Number: 219510069–219510077
Status: Unutilized
Reason: Secured Area, Extensive deterioration

Land (by State)

Alabama

23 acres and 2284 acres
Alabama Army Ammunition Plant
110 Hwy. 235
Childersburg Co: Talladega AL 35044–
Landholding Agency: Army
Property Number: 219210095–219210096
Status: Excess
Reason: Secured Area

Alaska

Campbell Creek Range
Fort Richardson
Anchorage Co: Greater Anchorage AK 99507
Landholding Agency: Army
Property Number: 219230188
Status: Unutilized
Reason: Inaccessible

Illinois

Group 66A
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219010414
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Parcel 1
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Location: South of the 811 Magazine Area, adjacent to the River Road.
Landholding Agency: Army
Property Number: 219012810
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 2, 3
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013796–219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Parcel No. 4, 5, 6
Joliet Army Ammunition Plant
Joliet Co: Will IL 60436–
Landholding Agency: Army
Property Number: 219013798–219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Homewood USAR Center
18760 S. Halsted Street
Homewood Co: Cook IL 60430–
Landholding Agency: Army
Property Number : 219014067
Status: Underutilized
Reason: Secured Area

Indiana

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport Co: Vermillion IN 47966–
Landholding Agency: Army
Property Number : 219012360
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Land—Plant 2
Indiana Army Ammunition Plant
Charlestown Co: Clark IN 47111
Landholding Agency: Army
Property Number : 219330095
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Maryland

Carroll Island, Graces Quarters
Aberdeen Proving Ground
Edgewood Area
Aberdeen City Co: Harford MD 21010–5425
Landholding Agency: Army
Property Number : 219012630, 219012632
Status: Underutilized
Reason: Floodway, Secured Area

Minnesota

Portion of R.R. Spur
Twin Cities Army Ammunition Plant
New Brighton Co: Ramsey MN 55112
Landholding Agency: Army
Property Number : 219620472
Status: Unutilized
Reason: landlocked

New Hampshire

7.97 acres
Route 106/Industrial Park
Belmont NH
Landholding Agency: Army
Property Number : 219640439
Status: Unutilized
Reason: Secured Area

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal Co: Morris NJ 07806–
Landholding Agency: Army
Property Number : 219013788
Status: Unutilized
Reason: Secured Area

Spur Line/Right of Way
Armament Rsch., Dev., & Eng. Center
Picatinny Arsenal Co: Morris NJ 07806–5000
Landholding Agency: Army
Property Number : 219530143
Status: Unutilized
Reason: Floodway

Ohio

0.4051 acres, Lot 40 & 41
Ravenna Army Ammunition Plant
Ravenna Co: Portage OH 44266–9297
Landholding Agency: Army
Property Number : 219630109
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material

Oklahoma

McAlester Army Ammo. Plant
McAlester Army Ammunition Plant
McAlester Co: Pittsburg OK 74501–
Landholding Agency: Army
Property Number : 219014603
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material

Texas

Land—Approx. 50 acres
Lone Star Army Ammunition Plant
Texarkana Co: Bowie TX 75505–9100
Landholding Agency: Army
Property Number : 219420308
Status: Unutilized
Reason: Secured Area

Land—all of block 1800
Fort Sam Houston
Portions of 1900, 3100, 3200
San Antonio Co: Bexar TX 78234–5000
Landholding Agency: Army
Property Number : 219530184
Status: Excess
Reason: Floodway

Land—Harrison Bayou
Longhorn Army Ammunition Plant
Karnack Co: Harrison TX 75661
Landholding Agency: Army
Property Number : 219640187
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Floodway

Virginia

Fort Belvoir Military Reservation-5.6 Acres
South Post located West of Pohick Road
Fort Belvoir Co: Fairfax VA 22060–
Location: Rightside of King Road
Landholding Agency: Army
Property Number : 219012550
Status: Unutilized
Reason: Within airport runway clear zone, Secured Area

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo Co: Sauk WI 53913–
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number : 219013783
Status: Unutilized
Reason: Secured Area

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Technical/ Agency Draft Recovery Plan for Arabiss perstellata (Braun's Rockcress) for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability for public review of the technical/agency draft recovery plan for Braun's rockcress. Braun's rockcress (*Arabis perstellata*) is a perennial herb that grows in calcareous mesophytic and sub-xeric forests in north-central Kentucky and north-central Tennessee. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before May 20, 1997 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Asheville Filed Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801 (Telephone 704/258–3939). Written comments and materials regarding the plan should be addressed to the State Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. J. Allen Ratzlaff at the address and telephone number (Ext. 229) shown above.

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals or plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for recognizing the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

Based upon available information concerning the range, biology, and threats to its continued survival, it is not yet possible to determine if or when full recovery of Braun's rockcress is possible. Accordingly, this draft recovery plan outlines a mechanism that provides for the protection and maintenance of all known population with emphasis on determining autecological factors necessary to manage the species. Braun's rockcress was officially listed as an endangered species on January 3, 1995, primarily because of its extremely limited range, loss of habitat, competition from invasive exotic plants, and other detrimental impacts that result from site disturbance. Comments and information provided during this review will be used in preparing the final recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is Section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: March 12, 1997.

Nora A. Murdock,

Acting State Supervisor.

[FR Doc. 97–7150 Filed 3–20–97; 8:45 am]

BILLING CODE 4310–55–M

Availability of an Environmental Assessment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of the availability of a Final Environmental Assessment on development of a United States/Russia bilateral agreement for the conservation of a shared polar bear population; request for comments.

SUMMARY: This Notice makes available to the public the Final Environmental Assessment for the Conservation of Polar Bears in the Chukchi/Bering seas. The Chukchi/Bering seas and a portion of the Eastern Siberian Seal stock of polar bears, hereafter referred to as the Alaska-Chukotka population, is shared between Russia and the United States. The U.S. Fish and Wildlife Service, the agency responsible for management and conservation of polar bears (Ursus maritimus) in the United States, proposes to develop a conservation agreement for the Chukchi/Bering seas stock of polar bears as part of the Service's natural resource stewardship responsibilities in the management and conservation of this international resource.

In 1973, Canada, Denmark (on behalf of Greenland), Norway, Russia, and the United States signed the international Agreement on the Conservation of Polar Bears (1973 Agreement). Each country is obligated to develop conservation programs to comply with the 1973 Agreement. The Untied States relies largely on the Marine Mammal Protection Act to comply with the terms of the 1973 Agreement. Also, in 1988 a local Native-to-Native subsistence users agreement was developed between the Inupiat of the North Slope Borough in the United States and the Inuvialuit of the Northwest Territories, Canada, to provide further protection for the shared Beaufort Sea polar bear population. No such agreement exists for the shared Alaska-Chukotka population. Section 113(d) of the 1994 Amendments to the Marine Mammal Protection Act state: ''the Secretary, acting through the Secretary of State and in consultation with the Marine Mammal Commission and the State of Alaska shall consult with the appropriate officials of the Russian Federation on the development and implementation of enhanced cooperative research and management programs for the conservation of polar bears in Alaska and Russia.'' The Service, in consultation with the Department of State, the Marine Mammal Commission, and the State of Alaska proposes to enter into a government-to-government bilateral conservation agreement with the Russian Federation. As a companion action the Natives from Alaska and Chukotka, Russia, plan to enter into a Native-to-Native implementation agreement for the Alaska-Chukotka population.

The Final EA describes three alternatives for entering into

conservation agreements. The purpose of the agreements is to unify management regimes, regulate take, enhance conservation of polar bears and their habitat, and provide for non-consumptive uses such as eco-tourism, as well as consumptive uses.

The selected alternative (Alternative 3) of the Final EA describes a bilateral management scenario where a governmental-to-government agreement establishes the guiding framework and ultimate oversight role for an Alaska-Chukotka Native-to-Native agreement. A harvest system would be established by an international joint commission composed of one Federal and one Native representative from each country. Harvest levels would be binding. Joint research and managmenet, population and harvest monitoring, enforcement, habitat conservation, and conservation education would be the primary elements of the agreement. Alternative 3 is the preferred alternative because it provides the basis for a comprehensive and coordinated conservation program. The agreement would provide guidance for Russian and American governments and Native entities to manage the shared population stock and it would support Russian efforts to curb threats to polar bears associated with illegal unquantified hunting and lack of enforcement. A government-to-government bilateral agreement would also ensure closer coordination and involvement in management decisions by the primary users, namely the Native people of Alaska and Chukotka.

In response to comments and testimony received from the public, the U.S. Fish and Wildlife Service has revised the draft EA, and now issues the Final EA for the proposed action. The comment period on the draft EA was open for 60 days form July 19, 1996, to September 17, 1996. During this period the Service received written comments from seven organizations, and one individual. In addition, public hearings were conducted in Anchorage, Alaska, on August 14, 1996, and in Washington, D.C., on August 21, 1996. Transcripts of the proceedings from the public hearings are on file at the U.S. Fish and Wildlife Service Alaska Regional Office. The Service also conducted community meetings in Wales, Shishmaref, Gambell, Savoonga, Barrow, and Wainwright during the period of August 26 to September 6, 1996. Additionally, the Service received comments from three governmental organizations at the conclusion of the comment period. Copies of all written comments are on file at the U.S. Fish and Wildlife Service Regional Office.

Overall many of the public comments endorsed the need for a bilateral treaty between the U.S. and Russia. There were no comments supporting Alternative 1, the status quo, and several which opposed it's continuation. Generally public support for a coordinated U.S./Russia bilateral agreement was contingent upon the Service, and ultimately the agreement, addressing a number of issues. The Service has evaluated these issues and provides a description of them with a corresponding response in Section VI of the Final EA. Public comments that provided clarity have been incorporated into the text of the Final EA.

The Service requests interested persons to submit comments, information, and suggestions concerning these actions. The Final EA will be available during a 30-day comment period which ends on April 21, 1997. Copies of the Final EA have been sent to individuals or organizations which commented or attended meetings to entertain comment on the draft EA. Copies are available upon request at the U.S. Fish and Wildlife Service, Marine Mammals Management Office, 1011 East Tudor Road, Anchorage, Alaska 99503.

DATES: Written comments on the Environmental Assessment should be received on or before April 21, 1997.

ADDRESSES: Written comments should be submitted to: Supervisor, Marine Mammals Management, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503. Comments may also be hand delivered to the same address or sent by FAX (907) 786–3816.

Comments and materials received in response to this action will be available for public inspection at this address during normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Scott Schliebe at the U.S Fish and Wildlife Service, Marine Mammals Management, 1011 East Tudor Road, Anchorage, Alaska 99503, (800) 362–5148 or (907) 786–3812.

SUPPLEMENTARY INFORMATION:

Background

Discussions regarding development of a unified management approach between Russia and the United States were initiated in Sochi, Russia in October 1988, at the IUCN Polar Bear Specialists Group Meeting. Further talks occurred in May 1990, and correspondence supporting the development of a bilateral agreement followed. Between 1992 and 1995, protocols of agreement were developed between the natural resource agencies of the respective countries and the Native users of Alaska and Chukotka. During this period numerous discussions between the Service and Native representatives occurred and general consensus was reached to develop a government-to-government conservation agreement and a companion Native-to-Native agreement. These agreements would be consistent with the terms of the 1973 Agreement and include the principles of population sustainability, support for research and the collection of biological information and local knowledge, habitat conservation, and conservation education. In April 1994, the ''Protocol of Intentions between the Indigenous Peoples of Chukotka and Alaska on the Conservation, Protection, Management, and Study of the Bering and Chukchi Sea Shared Polar Bear Population'' was signed. In the United States a working group consisting of representatives of the Service, Department of State, Department of the Interior, the Marine Mammal Commission, Alaska Department of Fish and Game, North Slope Borough, Alaska Nanuuq Commission, and the Audubon Society has met several times to discuss the principles for a conservation agreement. The need for public input and review led to the development of the draft EA in June 1996. Responses to comments received during the 60 day comment period ending September 17, 1996 were either incorporated into the text or included in Section VI. The Service will consider submitting a request to the Department of State to enter into formal negotiations with Russia, following publication of the Notice of Availability of the Final EA.

Dated: March 12, 1997.

Robyn Thorson,

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

[FR Doc. 97–7149 Filed 3–20–97; 8:45 am]

BILLING CODE 4310–55–M

Bureau of Land Management

[NM–060–07–1310–00 (0004)]

Carlsbad Resource Area; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Change of mailing address.

SUMMARY: This notice sets forth the new mailing address of the Bureau of Land Management, Carlsbad Resource Area Office, Carlsbad, New Mexico.

DATE: April 24, 1997.

FOR FURTHER INFORMATION CONTACT: Howard Parman, Public Affairs Officer, Bureau of Land Management, 2909 West

2nd Street, Roswell, NM 88201, (505) 627–0212.

SUPPLEMENTARY INFORMATION: The Department of the Interior's Bureau of Land Management, New Mexico State Office, Roswell District Office, Carlsbad Resource Area Office is changing its mailing address effective April 24, 1997. The new mailing address will be: Bureau of Land Management, Carlsbad Resource Area, 620 E. Greene Street, P.O. Box 1778, Carlsbad, New Mexico 88221–1778.

Dated: March 12, 1997.

Edwin L. Roberson,

District Manager.

[FR Doc. 97–7153 Filed 3–20–97; 8:45 am]

BILLING CODE 4310–YA–M

[CO–930–1430–01; COC–60316]

Proposed Withdrawal; Opportunity for Public Meeting; Colorado

March 12, 1997.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw approximately 1,440 acres of public land to protect endangered species and riparian areas. This notice closes this land to operation of the public land laws including location and entry under the mining laws for up to two years. The land has been and remains open to mineral leasing.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before June 19, 1997.

ADDRESSES: Comments and requests for a meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239–3706.

SUPPLEMENTARY INFORMATION: On March 4, 1997, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights:

Unaweep Seep/West Creek Area

T. 14 S., R. 103 W., 6th P.M.
Sec. 32, E½NE¼SE¼ and SE¼SE¼;
Sec. 33, W½NW¼SW¼ and NW¼SW¼SW¼.
T. 15 S., R. 103 W., 6th P.M.
Sec. 2, Lot 5 and SE¼NW¼SW¼;
Sec. 3, SE¼SW¼, E½SE¼, E½NW¼SE¼, and SW¼SE¼;
Sec. 4, SW¼SW¼SW¼;
Sec. 5, Lot 1, E½ Lot 2, E½SW¼NE¼, N½SE¼NE¼, SW¼SE¼NE¼, NW¼NE¼SE¼, S½NE½SE, E½NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 8, E½NE¼NE¼;
Sec. 9, SW¼SW¼NE¼, NW¼NW¼NW¼, S½NW¼NW¼, NW¼SW¼NW¼, E½SW¼NW¼, W½SE¼NW¼, SE¼SE¼NW¼, E½NE¼SW¼, NW¼NE¼SW¼, NE¼NE¼SE¼, S½NE¼SE¼, NW¼SE¼, NE¼SW¼SE¼, and SE¼SE¼;
Sec. 10, N½N½NE¼, SW¼NW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, S½SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, NW¼SW¼, N½SW¼SW¼, and SW¼SW¼SW¼;
Sec. 15, NW¼NW¼NW¼;
Sec. 16, E½NE¼, SE¼SW¼NE¼, NE¼NE¼SE¼, W½E½SE¼, and E½W½SE¼;
Sec. 21, E½ Lot 1 (excepting therefrom that portion within Mineral Survey (MS) 3257, Patent No. 14317), E½NE¼, E½NW¼NE¼, NE¼SE¼;
Sec. 22, W½ Lot 1 (excepting therefrom that portion within MS 3257, Patent No. 14317), and W½NW¼SW¼.

The area described containins approximately 1,440 acres in Mesa County.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed action, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2).

This application will be processed in accordance with the regulations set forth in 43 CFR Part 2310.

For a period of two years from the date of publication in the **Federal Register**, this land will be segregated from the mining laws as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Bureau of Land Management will continue to manage this land.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 97–7151 Filed 3–20–97; 8:45 am]

BILLING CODE 4310–JB–P

[CO–930–1430–01; COC–57598]

Amendment to Proposed Withdrawal; Opportunity for Public Meeting; Colorado

March 12, 1997.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service has amended their withdrawal application for the Nederland Work Center to include an additional 12.32 acres. This amendment will segregate the land described below from location and entry under the mining laws for up to two years, it will not affect the segregation of the land in the original application.

DATES: Comments on this proposed withdrawal or requests for public meeting must be received on or before June 19, 1997.

ADDRESSES: Comments and requests for public meeting should be sent to the Colorado State Director, BLM, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, 303–239–3706.

SUPPLEMENTARY INFORMATION: On March 4, 1997, the Department of Agriculture, Forest Service, filed an application to amend their original application (See 59 FR 55850) to include an additional 12.32 acres of National Forest System land. This amendment will close the following described land to location and entry under United States mining laws (30 U.S.C. Ch 2) for up to 2 years:

Roosevelt National Forest

T. 1 S, R. 72 W.,
Sec. 7. lot 33.

The area described contains approximately 12.32 acres of National Forest System land in Boulder County.

The purpose of this withdrawal is to provide protection for capitol investments at a proposed Forest Service Work Center.

For a period of 90 days from the date of publication of this notice, all parties who wish to submit comments, suggestions, or objections in connection with this proposed withdrawal, or to request a public meeting, may present their views in writing to the Colorado State Director. If the authorized officer determines that a meeting should be held, the meeting will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2).

This application will be processed in accordance with regulations set forth in 43 CFR Part 2310.

For a period of two years from the date of publication in the **Federal Register**, this land will be segregated from the mining laws as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to manage this land.

Jenny L. Saunders,

Realty Officer.

[FR Doc. 97–7152 Filed 3–20–97; 8:45 am]

BILLING CODE 4310–JB–P

INTERNATIONAL TRADE COMMISSION

Certain EPROM, EEPROM, Flash Memory, and Flash Microcontroller Semiconductor Devices and Products Containing Same; Notice of Investigation

[Investigation No. 337–TA–395]

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 18, 1997, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Atmel Corporation, 2325 Orchard Parkway, San Jose, CA 95131. A supplemental complaint was filed on March 10, 1997, accompanied by a letter dated March 7, 1997. A second supplemental complaint was filed on March 13, 1997, accompanied by a letter dated March 12, 1997. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain EPROM, EEPROM, flash memory, and flash microcontroller semiconductor devices and products containing same by reason of infringement of claim 1 of U.S. Letters Patent 4,511,811, claim 1 of U.S. Letters Patent 4,673,829, claim 1 of U.S. Letters Patent 4,794,565, and claims 1–9 of U.S. Letters Patent 4,451,903. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a hearing, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Room 112, Washington, D.C. 20436, telephone 202–205–2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810.

FOR FURTHER INFORMATION CONTACT: Christine E. Lehman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202–205–2582.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (1996).

Scope of Investigation

Having considered the complaint, the U.S. International Trade Commission, on March 17, 1997, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain EPROM, EEPROM, flash memory, or flash microcontroller semiconductor devices or products containing same by reason of infringement of claim 1 of U.S. Letters Patent 4,511,811, claim 1 of U.S. Letters Patent 4,673,829, claim 1 of U.S. Letters Patent 4,794,565, or claims 1–9 of U.S. Letters Patent 4,451,903, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Atmel Corporation, 2325 Orchard Parkway, San Jose, California 95131.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Sanyo Electric Co., Ltd., 5–5 Keihan-hondori 2-chome, Osaka, 570, Japan

Winbond Electronics Corporation, Number 2, R&D Road VI, Science-Based Industrial Park, Hsinchu, Taiwan

Winbond Electronics North, America Corporation, 2730 Orchard Parkway, San Jose, California 95134

Macronix International Co., Ltd., 3F, 4 Creation Road IV, Science-Based Industrial Park, Hsinchu, Taiwan

Macronix, Inc., (a.k.a. Macronix America, Inc.), 1338 Ridder Park Drive, San Jose, California 95131.

(c) Christine E. Lehman, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 401–I, Washington, DC 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 18, 1997.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 97–7235 Filed 3–20–97; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB emergency approval; arrival record.

The Department of Justice, Immigration and Naturalization Service (Service) has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The Service, in cooperation with U.S. Airways, is pilot testing an automated I–94 program which will electronically capture and consolidate the information required on the current Forms I–94, I–94T, and I–94W. The pilot, which is scheduled to begin April 9, 1997, is anticipated to last for 180 days and involves one flight. This pilot satisfies a request contained in the House Committee on Appropriations' Report on the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Bill, Fiscal Year 1997, II.R. Rep. 104–676.

The proposed information collection is published to obtain comments from the public and affected agencies. OMB approval has been requested by March 21, 1997. If granted the emergency approval is only valid for 180 days. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Immigration and Naturalization Service, Director, Policy Directives and Instruction Branch, Richard Sloan (202) 616–7600.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Room 10235, Office of Management and Budget, Washington, DC 20503.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of Information Collection: *New information collection.*

(2) Title of the Form/Collection: Arrival Record.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–94A OT. Office of Inspections, Examinations Division, Immigration and Naturalization Service.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or Households. The information collection is captured electronically as part of a pilot program established by the Service in cooperation with U.S. Airways. The information collected will be used by the Service to document an alien's arrival and departure to and from the United States and may be evidence of registration under certain provisions of the INA.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: 10,000 responses at three minutes (0.05) per response.

(6) An estimate of the total public burden (in hours) associated with the collection: 500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW, Washington, DC 20530.

Dated: March 17, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–7147 Filed 3–20–97; 8:45 am]

BILLING CODE 4410–18–M

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Request OMB Emergency Approval; Application—Checkpoint Pre-enrolled Access Lane.

The Department of Justice, Immigration and Naturalization Service (Service) has submitted the following information collection request (ICR) utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The necessity for emergency review and implementation of this information collection is as follows: Congress has made continued funding for the Border patrol checkpoints at San Clemente and Temecula, California, contingent on establishing a commuter facilitation project at the San Clemente checkpoint (See pub. L. 104–134). Compliance with normal OMB review procedures could force the Service to violate an express congressional mandate and lose funding for the checkpoints. Congress mandates the Checkpoint Pre-enrolled Access Lane program's enrollment process be implemented by April 1, 1997 and the commuter lane be operational by June 30, 1997. Therefore, the Service is requesting OMB emergency review and clearance of this information collection by March 21, 1997.

The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Immigration and Naturalization Service, Director, Policy Directives and Instructions Branch, Richard Sloan (202–616–7600).

Comments and questions about the ICR listed below should be forwarded to OMB, Office of Information and Regulatory Affairs, Attention: Ms. Debra Bond, 202–395–7316, Department of Justice Desk Officer, Room 10235, Office of Management and Budget, Washington, DC 20503.

During the first 60 days of this same period a regular review of this information collection is also being undertaken. Comments are encouraged and will be accepted until May 20, 1997. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points.

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* New Information Collection.

(2) *Title of the Form/Collection:* Application—Checkpoint Pre-enrolled Access Lane.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form I–866. Border Patrol Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or Households. The information collection will be used by the Service to determine eligibility for participation in the Checkpoint Pre-enrolled Access Lane (PAL) program for persons and vehicles at immigration checkpoints within the United States.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 12,500 respondents at 32 minutes per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,625 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Mr. Richard A. Sloan, 202–616–7600, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 5307, 425 I Street, NW., Washington, DC 20536.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 850, Washington Center, 1001 G Street, NW., Washington, DC 20530.

Dated: March 17, 1997.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 97–7148 Filed 3–20–97; 8:45 am]

BILLING CODE 4410–18–M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

March 18, 1997.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor, Departmental Clearance Officer, Theresa M. O'Malley ((202) 219–5096 x166). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 9:00 a.m. and 12:00 p.m. Eastern time, Monday through Friday.

Comments should be sent to Office of Information and Regulatory Affairs, Attn.: OMB Deck Officer for BLS/DM/ESA/ETA/MSHA/OSHA/PWBA/VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395–7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the purposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collection; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: Employment and Training Administration.

Title: Petition for Adjustment Assistance/Solicitud De Asistencia Para Adjuste (Form 8560 English/8559 Spanish).

OMB Number: 1205–0192 (reinstatement without change).

Frequency: On occasion.

Affected Public: Individuals or households; Business or other for-profit; Farms.

Number of Respondents: 1,400.

Estimated Time Per Respondent: 15 minutes.

Total Burden Hours: 350.

Total Annualized capital/startup costs: 0.

Total Annual costs (operating/maintaining systems or purchasing services): 0.

Description: ETA Form 8650/8559 is a petition used by American workers applying to the U.S. Department of Labor for eligibility to receive workers trade adjustment assistance in accordance with provisions of the Trade Act of 1974, as amended. The petition initiates action on the part of the Department to determine if workers are eligible.

Agency: Employment and Training Administration.

Title: Claims and Payment Activities (ETA 5159).

OMB Number: 1205–0010 (revision).

Frequency: Monthly.

Affected Public: State, Local, or Tribal governments.

Number of Respondents: 53.

Estimated Time Per Respondent: 1 hour 53 minutes.

Total Burden Hours: 1,359.

Total Annualized capital/startup costs: 0.

Total Annual costs (operating/maintaining systems or purchasing services): 0.

Description: ETA 5159 report provides the basic workload information on claims-taking and payment activities under State/Federal unemployment insurance laws, and the promptness of first payments for total unemployment.

Counts of claims-taking and benefit payment activities are used in budget preparation and control, program planning and evaluation, personnel assignment, actuarial and program research, and for accounting to Congress and the public. This collection is authorized under the Social Security Act, Title III, Section 303(a)(6).

Agency: Mine Safety and Health Administration.

Title: Notification of Commencement of Operations and Closing of Mines.

OMB Number: 1219–0092 (reinstatement without change).

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 1,725.

Estimated Time Per Respondent: 3 minutes.

Total Burden Hours: 269.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $1,438.

Description: This regulatory provision requires operators of metal and nonmetal mines to notify the Mine Safety and Health Administration of openings and closings of mines.

Agency: Mine Safety and Health Administration.

Title: Main Fan Inspection Schedule.

OMB Number: 1219–0012 (reinstatement without change).

Frequency: On occasion.

Affected Public: Business or other for-profit.

Number of Respondents: 32.

Estimated Time Per Respondent: 1.5 hours.

Total Burden Hours: 17.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): 0.

Description: Operators of underground metal and nonmetal mines are required to maintain main fans according to either the manufacturers' recommendations or a written periodic schedule adopted by the mine operator.

Agency: Occupational Safety and Health Administration.

Title: Inorganic Arsenic (revision).

OMB Number: 1218–0104.

Frequency: On occasion/varies.

Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 42.

Estimated Time Per Respondent: 8.5 minutes (varies).

Total Burden Hours: 8,098.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $1,096,810.

Description: The purpose of this standard and its information collection requirements is to provide protection for employees from the health affects associated with occupational exposure to the carcinogen, inorganic arsenic. Employers must monitor employee exposure, reduce employee exposures to without permissible exposure limits and provide medical examinations, training and other information.

Agency: Occupational Safety and Health Administration.

Title: Coke Oven Emissions (revision).

OMB Number: 1218–-0128.

Frequency: On occasion/varies.

Affected Public: Business or other for-profit; Federal Government; State, Local or Tribal Government.

Number of Respondents: 22.

Estimated Time Per Respondent: 55.5 minutes (varies).

Total Burden Hours: 93,434.

Total Annualized capital/startup costs: 0.

Total annual costs (operating/maintaining systems or purchasing services): $1,402,172.

Description: The purpose of this standard and its information collection requirements is to provide protection for employees from adverse health affects associated with occupational exposure to Coke Oven Emissions. Employers must monitor exposure, keep employee exposures within the permissible exposure limits and provide employees with medical examinations and training.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97–7205 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–27–M

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of February and March, 1997.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) that sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–33,216; Gruen Marketing Corp., Exeter, PA

TA–W–33,206; Juki Union Special, Inc., Wayne, NJ

TA–W–33,067; Lilly Industries, Jamestown, NY

TA–W–32,036; S.D. Warren, Westbrook, ME

TA–W–32,952; Permacel, SP Dept., Lakewood, NJ

TA–W–33,117; Union of Needletrades, Industrial and Textile Employees, Wilkes Barre, PA

TA–W–32,989; Harbor Bell, Inc., Bay Center, WA

TA–W–33,192; Lamson & Sessions Co., Aurora, OH

TA–W–33,075; Didde Corp., Didde Web Press Corp, Emporia, KS

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–33,156; Dixie, Inc., Fayetteville, NC

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–33,054; Kerr-McGee Corp., Headquartered in Oklahoma City, OK & Operating in Various Locations Throughout the States of A; OK, B; TX, C; LA, D; WY, E; ND

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–33,248; Haffer Logging Co., Inc., LaGrande, OR CA

Employment declines are related to federal policies that have restricted logging operations in federal forest.

Also, the subject firm did not import during the relevant period.

TA–W–33,079; The Topps Co., Inc., Duryea & Scranton, PA

The investigation revealed that criteria (1) and criteria (2) have not been met. A significant number or proportion of the workers did not become totally or partially separated as required for certification. Sales or production did not decline during the relevant period as required for certification.

TA–W–32,970; B.F. Goodrich, Engine Electrical Systems Div., Norwich, NY

In early 1996 the parent company of B.F. Goodrich, Engine Electrical Systems Div., Norwich, NY made a business decision to transfer a portion of its production of components for jet engines from its Norwich, NY facility to another domestic facility.

TA–W–33,033; Energy Development Corp., Houston, TX

Sales and production increased; and separations were the result of change of ownership of the firm.

TA–W–33,167; Ashworth Bros., Inc., Salinas, CA

Corporate sales have increased while subject plant's sales have decreased. Company is in the process of transferring production from Salinas facility to another domestic facility.

TA–W–33,201; Cedarapids, Inc., Pocatello, ID

Cedarapids, Inc increased production overall in 1996 compared with 1995. Sales were adversely affected by a work stoppage in mid 1996.

TA–W–33,126; Norton Co—Grinding Wheel Div, Worcester, MA

The subject plant has not experienced production declines and layoffs of production workers has not occurred.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination.

TA–W–32,943; Procter & Gamble Manufacturing Co., Hatboro, PA: November 8, 1995.

TA–W–33,104; ISA Breeders, Inc., Vedette Div., Gainesville, GA: January 7, 1996.

TA–W–33,096; Ametek/March Electric, Cambridge, OH: January 8, 1996.

TA–W–32,977; Auburn Shoe Co., Auburn, ME: November 12, 1995.

TA–W–33,244; Dodger Industries, Inc., Eldora, IA: February 14, 1996.

TA–W–33,034; Bristol Lingerie, Inc., Bristol, VA: November 12, 1995.

TA–W–33,025; Imco Recycling of California, Inc., Corona, CA: November 22, 1995.

TA–W–33,060; Atlantic Steel Industries, Inc., Catersville, GA: December 12, 1995.

TA–W–33,135; Townwear Garment Co., Hiawassee, GA: January 20, 1996.

A–W–33,168; R & S Dress Manufacturing Co., Shippensburg, PA: January 23, 1996.

TA–W–32,985; J.H. Collectibles, Milwaukee, WI: November 21, 1995.

TA–W–33,149; Rami Fashions, Allentown, PA: January 17, 1996.

TA–W–33,182; Oxford of Vidalia, Oxford Shirt Group, Div of Oxford Industries, Inc., Vidalia, GA: January 28, 1996.

TA–W–32,975 & A; Big Smith Brands, Inc., Monett, MO and Garnett, KS: November 11, 1995.

TA–W–32,993; Grant Prideco, Inc., Bastrop, TX: November 12, 1995.

TA–W–32,964; H.L. Miller & Son, Hazelton, PA: November 7, 1995.

TA–W–32,958; Jefferson City Zinc, A Div of Savage Zinc, Inc.

TA–W–33,077; Cranston Apparel Fabric, Div of Cranston Print Works Co., New York, NY: December 16, 1996.

TA–W–33,100; McCullock Corp., Tucson, AZ: January 3, 1996.

All workers engaged in employment related to the production of chain saws, string trimmers, blowers and other law and garden equipment expluding corporate office and distribution employees separated from employment on or after January 3, 1996.

TA–W–33,021; Crown Industries Corp., Selma, AL: November 20, 1995.

TA–W–33,178; Sahara Sportswear (AKA) Saddlemans, Inc., Golf Bag Dept., El Paso, TX: January 28, 1996.

TA–W–33,171; Axelrod & Axelrod Sales and Design, Inc., DBA Funstuff NY, New York, NY: January 24, 1996.

TA–W–33,147 & A; Mannis & Singer (DBA) Crystal Mills, Charlotte, NC and Monroe, NC: January 13, 1996.

TA–W–33,140; Bristol Jeans, Inc., Bristol, TN: January 17, 1996.

TA–W–33,128; The Stanley Works, Shelbyville Plant of Handtools Div., Shelbyville, TN: January 9, 1996.

TA–W–33,116; Koppers Industries, Inc., Houston, TX: January 9, 1996.

TA–W–33,055; 4 In One Screwdrivers, Inc., Jamestown, NY: December 9, 1995.

TA–W–33,070; Go/Dan Industries, Peru, IL: December 19, 1995.

TA–W–32,945; A.O. Smith Corp Electrical Products Co., Tipp City, OH: November 6, 1995.

TA–W–33,153; Haggar Clothing Co., AKA Brownsville Manufacturing Co., AKA McKinney Plant Manufacturing Co., Brownsville, TX: January 13, 1996.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of February and March, 1997.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–01434; Zenith Electronics Corp of Texas, McAllen, TX

NAFTA–TAA–001404 & A; The Toppe Co., Inc., Duryea & Scranton, PA

NAFTA–TAA–01438; Sunbeam Outdoor Products, Portland, TN

NAFTA–TAA–01446; Rami Fashions, Allentown, PA

NAFTA–TAA–01427; SVO Specialty Products, Inc., Culbertson, MT

NAFTA–TAA–01357; Harbor Bell, Inc., Bay Center, WA
NAFTA–TAA–01384; 4 In One Screwdrivers, Inc., Jamestown, NY
NAFTA–TAA–01396; Now Products, Inc., Chicago, IL
NAFTA–TAA–01393; Didde Corp., Didde Web Press Corp., Emporia, KS
NAFTA–TAA–01432; Pak-Mor, Inc., Duffield, VA
NAFTA–TAA–01494; Springfield Forest Products, Springfield, OR
NAFTA–TAA–01499; Hafer Logging Co., Inc., LaGrande, OR

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA–TAA–01454; Dixie Kids, Inc., Fayetteville, NC
NAFTA–TAA–01488; Gruen Marketing Corp., Exeter, PA

The investigation revealed that the workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

Affirmative Determinations NAFTA–TAA

The following certifications have been issued; the date following the company name & location for each determination references the impact date for all workers for such determination

NAFTA–TAA–01440 & A; Mannis & Singer (DBA) Crystall Mills, Charlotte, NC and Mannis & Singer (DBA) Monroe Apparel, Monroe, NC: January 13, 1996.
NAFTA–TAA–01431; Terex Corp., Unit Rig Div., Tulsa, OK: January 13, 1996.
NAFTA–TAA–01461; Imperial Wallcoverings, Inc., Plattsburgh, NY: January 21, 1996.
NAFTA–TAA–01443; Allied Signal, Inc., Truck Brake Systems Co., Charlotte, NC: January 21, 1995.
NAFTA–TAA–01506; Kaufman Footwear Corp., Batavia, NY: February 10, 1996.
NAFTA–TAA–01409; Cosco, Inc., Bremen, GA: January 2, 1996.
NAFTA–TAA–01435; Mead Corp., School and Office Products Div., Saint Joseph, MO: January 12, 1996.
NAFTA–TAA–01366; Sau Mee Sewing Co., San Francisco, CA: October 1, 1995.
NAFTA–TAA–01475; Sahara Sportswear (AKA Saddleman's, Inc), Golf Bag Department, El Paso, TX: January 22, 1996.
NAFTA–TAA–01420; Kincaid Enterprises, Inc., Nitro, WV: December 30, 1995.

All workers engaged in employment related to the production of chloroneb who became totally or partially separated from employment on or after December 30, 1995 are eligible.

All workers engaged in employment related to the production anisole, methoxychlor and 2-chloro-dimethoxybenxene are denied.

NAFTA–TAA–01428; The Stanley Works, Shelbyville Plant of Hand Tools Div., Shelbyville, TN: January 7, 1996.
NAFTA–TAA–01470; Milltown Manufacturing Co., Red Boiling Springs, TN: January 18, 1996.
NAFTA–TAA–01467; Printpack, Inc., San Leandro, CA: January 15, 1996.
NAFTA–TAA–01413; McCulloch Corp., Tucson, AR: January 3, 1996.
NAFTA–TAA–01465; Oxford of Vadalia, Oxford Shirt Group, Div. of Oxford Industries, Inc., Vadalia, GA: January 29, 1996.
NAFTA–TAA–01471; Haggar Clothing Co., (AKA Brownsville Manufacturing Co) (AKA McKinney Pant Manufacturing Co), Brownsville, TX: January 13, 1996.
NAFTA–TAA–014917; Diesel Recon Co., Charleston, SC: February 3, 1996.
NAFTA–TAA–01419; ISA Breeders, Inc., Vedette Div., Gainesville, GA: January 7, 1996.

I hereby certify that the aforementioned determinations were issued during the month of February and March, 1997. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: March 10, 1997.

Russell T. Kile,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–7197 Filed 3–20–97; 8:45 am]
BILLING CODE 4510–30–M

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Program Manager of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than March 31, 1997.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Program Manager, Office of Trade Adjustment Assistance, at the address shown below, not later than March 31, 1997.

The petitions filed in this case are available for inspection at the Office of the Program Manager, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 3rd day of March, 1997.

Russell T. Kile,

Program Manager, Policy & Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX—PETITIONS INSTITUTED ON 03/03/97

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
33,230	Genicom Corporation (UE)	Waynesboro, VA	01/07/97	Computer Printers and Parts.
33,231	Willamette Industries (Wrks)	Sweet Home, OR	02/10/97	Lumber.
33,232	Springfield Group (Wkrs)	Springfield, OR ...	02/10/97	Green Veneer.

APPENDIX—PETITIONS INSTITUTED ON 03/03/97—Continued

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
33,233	Earthgrains—Merico Inc. (BCT)	Indianapolis, IN ...	02/10/97	Refrigerated Dough Products.
33,234	Garan Manufacturing (Wkrs)	Haleyville, AL	01/24/97	Children's Shirts.
33,235	Hutchens Industries (Wkrs)	Mtn. Grove, MO ..	02/10/97	Exercise Equipment.
33,236	Tinnin Garment Company (UNITE)	Fredericktown, MO.	02/10/97	Cutting and Sewing School Uniforms.
33,237	Elk Spinners (Wkrs)	Fayetteville, TN ...	02/10/97	Cotton Spun Yarn.
33,238	Arrow Automotive Ind. (Wkrs)	Santa Maria, CA	02/07/97	Alternators, Water Pumps.
33,239	Sun Mountain Sports (Co.)	Missoula, MT	02/12/97	Golf Bags and Accessories.
33,240	Garment Graphics Inc. (Co.)	Coon Rapids, MN	02/10/97	Screen Printed T-Shirts.
33,241	Pine Bluff Industries (Wkrs)	Pine Bluff, AR	02/10/97	Hospital Garments.
33,242	CTS—Marden Electronics (Wkrs)	Burlington, WI	02/13/97	High Frequency Crystals.
33,243	SCA Molnlycke (Wkrs)	Palmer, MA	02/11/97	Adult Diapers and Underpads.
33,244	Dodger Industries, Inc. (Wkrs)	Eldora, IA	02/14/97	Active Apparel.
33,245	Mattel (Fisher Price) (Wkrs)	Murray, KY	02/06/97	Toys.
33,246	Schindler Elevator (Co.)	Randolph, NJ	02/10/97	Elevator Guide Rails.
33,247	Allen Bradley/Rockwell ( )	Mauston, WI	02/08/97	Electronic Printed Circuit Boards.
33,248	Hafer Logging (Wkrs)	LaGrande, OR	02/04/97	Logs.
33,249	Triam Industries (Wkrs)	Tucson, AZ	02/10/97	Fiberglass Vessels.
33,250	Merchants Fast Motor Line (Co.)	Abilene, TX	02/14/97	Provides Trucking Transportation.
33,251	Allied Signal Laminate ( )	La Crosse, WI	02/07/97	Laminates for Circuit Board Industry.
33,252	Oshkosh B'Gosh (Wkrs)	Oshkosh, WI	02/13/97	Men's Workwear Clothing.
33,253	Hoechst Celanese (Wkrs)	Coventry, RI	02/07/97	Dyes, Pigments, Fine Chemicals.
33,254	D and R Cedar Products (Wkrs)	Forks, WA	02/12/97	Cedar Shakes and Shingles.
33,255	Latestyle Belt Creations (UNITE)	New York, NY	02/10/97	Ladies' Belts.
33,256	Diversity Corp. (Co.)	City of Industry, CA.	02/09/97	Laundry Detergents.
33,257	Garland/US Range (Co.)	Freeland, PA	02/17/97	Commercial Cooking Equipment.
33,258	Corning Consumer Products (Wkrs)	Martinsburg, WV	02/07/97	Glass/Ceramic Cookingware.

[FR Doc. 97–7201 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–32,531 and 531A]

Norco Windows, Incorporated (Formerly a Division of Trust Joist International), Hawkins, Wisconsin and Norco/Jeld Wen, Marenisco, Michigan; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on August 28, 1996, applicable to workers of Norco Windows, Incorporated located in Hawkins, Wisconsin. The notice was published in the **Federal Register** on September 25, 1996 (61 FR 50332).

At the request of the State agency and petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that all workers of the subject firm's Marenisco, Michigan wood patio door production facility will be separated from employment when the plant closes on March 15, 1997. The production at the Marenisco plant was dependent on the window products manufactured at Hawkins.

The intent of the Department's certification is to include all workers of Norco who were affected by increased imports. Accordingly, the Department is amending the worker certification to include the workers of Norco-Jeld/Wen located in Marenisco, Michigan.

The amended notice applicable to TA–W–32,531 is hereby issued as follows:

All workers of Norco Windows, Incorporated, (formerly a Division of Trust Joist International), Hawkins, Wisconsin (TA–W–32,531) and Norco-Jeld/Wen, Marenisco, Michigan (TA–W–32,531A) who became totally or partially separated from employment on or after June 19, 1995, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC., this 11th day of March 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–7202 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–33,221]

Norco/Jeld Wen, Marenisco, Michigan; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on February 24, 1997 in response to a worker petition which was filed February 6, 1997 on behalf of workers at Norco/Jeld Wen, located in Marenisco, Michigan (TA–W–33,221).

The petitioning group of workers are covered under an existing Trade Adjustment Assistance certification (TA–W–32,531A). Consequently, further investigation in this case would service no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 11th day of March 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–7200 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–30–M

Unemployment Insurance Service; Proposed Information Collection Request Submitted for Public Comment and Recommendations; Program Budget Plan for FY 1998

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the

Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed revision and extension of the current Program Budget Plan while the new State Quality Service Plan which will replace it is developed.

A copy of the proposed information collection request can be obtained by contacting the employee listed below in the contact section of this notice.

DATES: Written comments must be submitted on or before May 20, 1997.

Written comments should:

—evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—enhance the quality, utility, and clarity of the information to be collected; and

—minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automatic, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: Terrence L. Clark, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, Room S–4522, 200 Constitution Avenue, NW., Washington, DC 20210, 202–219–5215, Ext. 139 (this is not a toll-free number); *FAX*, 202–219–8506; *Internet*, eta.sao.tclark@doleta.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Program Budget Plan (PBP) is the planning instrument for the Unemployment Insurance System Nationwide. The statutory basis for the PBP is Title III, Section 302 of the Social Security Act, which authorizes the Secretary of Labor to provide funds to administer the UI program. Plans are prepared annually since funds for UI operations are appropriated each year. The Department of Labor's annual budget request for State UI operations contains workload assumptions for which the State must plan in order for the Secretary to carry out his responsibilities under Section 303(a) of the Social Security Act to ensure full payment of unemployment compensation when due. The Department issues financial planning targets based on the budget request. States make plans based on such assumptions and targets via this mechanism.

II. Current Actions

DOL proposes to extend the expiration date for this process from September 30, 1997 to September 30, 1999 which will allow the Unemployment Insurance Service in concert with its Federal/State partners to finalize a new State Quality Service Plan to replace the Program Budget Plan. In addition, DOL proposes to modify the current Program Budget Plan to accommodate funding initiatives incorporated in the President's Budget Request. Additional funding has been requested to facilitate State action with regard to Year 2000 automation modifications needed to allow current systems to function and continue payment of Unemployment Insurance compensation using that date. In addition, plans associated with the $89 Million integrity increase that is included in the President's Budget need to be incorporated into the Program Budget Plan to meet oversight agreements. States may elect to utilize the increase in any or all of 4 specific areas: Field Audit, Benefit Payment Control, Eligibility Review, or Separation Issues.

Type of Review: Revision—ET Handbook No. 336 for use through September 30, 1997, under OMB No. 1205–0132.

Specifically, we propose the following:

I. Add a requirement for states to report in Block 12 of the current SF 269 to allow entry of specific Year 2000 Automation Expenditures by the States.

II. Utilize the following Corrective Action Pages from the current PBP to obtain plans for the four integrity areas:

(1) Use the ''Field Audits'' page for Field Audit Integrity Planning.

(2) Use the ''Necessary Corrective Action to Improve the Recovery of Fraud/Non Fraud Benefit Overpayments'' page for the Benefit Payment Control Integrity Activity Planning.

(3) Use the ''Automation Grants'' page for Eligibility Review Program Integrity Planning.

(4) Use the ''Nonmonetary Determination Performance for Intrastate Separation Issues'' page to capture additional Integrity planning in the area of Initial Claim Separation Issues.

Agency: Employment and Training Administration.

Title: PBP Handbook.

OMB Number: 1205–0132.

Recordkeeping: States are required to follow their State laws regarding public record retention.

Affected Public: State Employment Security Agencies (SESA's).

Total Respondents: 53.

Frequency: Annually.

Total Responses: 53.

Average Time Per Response: 35 hours.

Estimated Total Burden Hours: 1855.

Estimated Total Burden Cost: $53,405.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 17, 1997.

Virginia A. Chupp,

Director, Division of Legislation.

[FR Doc. 97–7203 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–13–M

[NAFTA 01093 and 01093A]

Norco Windows, Inc. (A former Division of Trust Joist International), Hawkins, Wisconsin and Norco/Jeld Wen, Marenisco, Michigan; Amended Certification Regarding Eligibility To Apply for NAFTA Transitional Adjustment Assistance

In accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on August 2, 1996, applicable to workers of Norco Windows, Incorporated located in Hawkins, Wisconsin. The notice was published in the **Federal Register** on August 26, 1996 (61 FR 43792).

At the request of the State agency and petitioners, the Department reviewed the certification for workers of the subject firm. New findings show that all workers of the subject firm's Marenisco, Michigan wood patio door production facility will be separated from employment when the plant closes on March 15, 1997. The production at the

Marenisco plant was dependent on the window products manufactured at Hawkins.

The intent of the Department's certification is to include all workers of Norco who were affected by increased imports from Mexico or Canada. The amended notice applicable to NAFTA—01093 is hereby issued as follows:

All workers of Norco Windows, Incorporated, a former Division of Trust Joist International, Hawkins, Wisconsin (NAFTA–01093) and Norco/Jeld Wen, Marenisco, Michigan, who became totally or partially separated from employment on or after June 19, 1995, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Signed at Washington, D.C. this 11th day of March 1997.

Russell T. Kile,

Program, Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–7199 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–30–M

[NAFTA 01485]

Norco/Jeld Wen, Marenisco, MI; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2273), an investigation was initiated on February 10, 1997, in response to a petition filed on behalf of workers at Norco/Jeld Wen located in Marenisco, Michigan.

The petitioning group of workers are covered under an existing NAFTA certification (NAFTA–01093A). Consequently, further investigation in this case would service no purpose, and the investigation has been terminated.

Signed at Washington, D.C., this 12th day of March 1997.

Russell T. Kile,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 97–7198 Filed 3–30–97; 8:45 am]

BILLING CODE 4510–30–M

Employment Standards Administration

Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the 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 supersedes 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 decisions, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, N.W., Room S–3014, Washington, D.C. 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis—Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

NONE

Volume II

NONE

Volume III

NONE

Volume IV

NONE

Volume V

NONE

Volume VI

NONE

Volume VII

California
CA970030 (Feb. 14, 1997)
CA970094 (Feb. 14, 1997)
CA970096 (Feb. 14, 1997)
CA970100 (Feb. 14, 1997)
CA970101 (Feb. 14, 1997)
CA970104 (Feb. 14, 1997)
CA970105 (Feb. 14, 1997)
CA970107 (Feb. 14, 1997)
CA970108 (Feb. 14, 1997)

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the county.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, D.C. This 13 Day of March 1997.

John Frank,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 97–6895 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–27–M

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement, with change, of the ''Veterans Supplement to the Current Population Survey (CPS).''

A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before May 20, 1997.

The Bureau of Labor Statistics is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Send comments to Karin G. Kurz, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, DC 20212. Ms. Kurz can be reached on 202–606–7628 (this is not a toll free number).

SUPPLEMENTARY INFORMATION:

I. Background

The data from the Veterans Supplement to the CPS provides estimates of the labor market characteristics of disabled and Vietnam-theater veterans, recently separated veterans, who feel their disability affects labor force participation, and veterans who have used special education and employment programs. The data will be used to plan and evaluate veterans' programs, for research on the employment status of veterans, and to produce a legislatively-mandated labor market study of veterans.

II. Current Actions

Data from the September 1997 Veterans Supplement to the CPS are needed to produce a report to Congress, required every two years by Public Law 100–323 (amended by Public Law 103–446), which relates to the labor market situation of various categories of veterans.

Type of Review: Reinstatement, with change.

Agency: Bureau of Labor Statistics.

Title: Veterans Supplement to the Current Population Survey (CPS).

OMB Number: 1220–0102.

Affected Public: Individuals or households.

Total Respondents 12,000.

Frequency: Biennially.

Total Responses: 12,000.

Average Time Per Response: 1 minute.

Estimated Total Burden Hours: 200 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 17th day of March, 1997.

W. Stuart Rust, Jr.,

Acting Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 97–7204 Filed 3–20–97; 8:45 am]

BILLING CODE 4510–24–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 97–2]

Registration Procedures

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The Copyright Office issues this Notice of Inquiry to seek information relating to the proposed adoption of a different design for certificates of registration issued through the Copyright Office Electronic Registration, Recordation, & Deposit System (CORDS). The considerable additional time and cost to program software to create certificates which identically reproduce the paper-based

system led the Copyright Office to consider alternatives.

DATES: Comments should be received on or before April 21, 1997.

ADDRESSES: Interested parties should submit 15 copies of their written comments to the Office of the General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Comments delivered by hand should be submitted to the Office of the General Counsel, Copyright Office, James Madison Memorial Building, Room 403, First Street and Independence Avenue, S.E., Washington, D.C. 20559–6000.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, or Kent Dunlap, Principal Legal Advisor, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

1. Background

One of the most significant responsibilities assigned to the Copyright Office by Title 17 of the U.S. Code is the registration of copyright claims. Sections 408–412 generally set forth the nature of the registration system. Central to the administration of this system is the issuance of certificates of registration, which are legal documents providing evidence of the validity of the copyright claim and the underlying facts.

The content of the application is determined by section 409, enumerating ten items of information relevant to the copyright claim and granting the Register of Copyrights discretion to require additional information.

Sections 410(a) and (c) primarily determine the nature of the certificate of registration. Section 410(a) authorizes the Register of Copyrights after examination to issue ''a certificate of registration under the seal of the Copyright Office'' containing ''the information given in the application, together with the number and effective date of the registration.'' Section 410(c) provides: ''In any judicial proceedings the certificate of a registration made before or within five years after first publication of the work shall constitute prima facie evidence of the validity of the copyright and of the facts stated in the certificate. The evidentiary weight to be accorded the certificate of a registration made thereafter shall be within the discretion of the court.''

2. The CORDS Registration System

The Copyright Office has always manually handled all of the materials submitted for copyright registration. A goal of CORDS is to develop and test an electronic system for copyright registration with copyright applications and copies of works transmitted in digital form over communications networks, such as the Internet. Signatures on these CORDS electronic claims will be digital rather than handwritten.

CORDS has been under development since 1993, as a joint project of the U.S. Copyright Office and the Library of Congress, working with the Corporation for National Research Initiatives (CNRI). Developing the testbed system with support from the Defense Advanced Research Projects Agency (DARPA) and the Library of Congress, CNRI is leading a national effort with the Copyright Office to develop an infrastructure for linking digital works. The Office proved the concept of CORDS electronic copyright registration and deposit with its initial test in 1996 using computer science technical reports from Carnegie Mellon University. Additional tests with other partners are planned for 1997.

CORDS will allow applicants to submit copyright applications and deposit their digitized works electronically. Claimants will prepare their applications, attach deposit materials in machine-readable format, ''sign'' their submissions using public key/private key encryption technology, and transmit applications and deposits to the Copyright Office over the Internet using Privacy Enhanced Mail.

The CORDS system will interface with three existing Copyright Office automated systems—COINS (the Copyright Office in-process tracking system), COPICS (Copyright Office Publication and Interactive Cataloging System) and CIS (the Copyright Imaging System, which produces copyright registration certificates). The new CORDS system automatically enters information into COINS (the tracking system), the remitter's deposit account is debited for the filing fee, and an in-process tracking record (giving the status of the application, fee, and deposit) is created, all electronically.

In addition, using CORDS, the Copyright Office staff will complete examination and cataloging of the digital applications and works and enter data into COPICS (the cataloging system). Registration certificates will be issued through the Copyright Imaging System (CIS). The Office's digital repository will hold these digital copyright deposits in a secure and verifiable manner.

In future test phases over the next few years, the Copyright Office will work with several other small groups of representative copyright owners. Subsequent phases of CORDS testing will receive and process selected applications and deposits in other formats of copyrighted works starting with a limited number of published textual works, some with graphics, then images, sound recordings, video, and other formats. These tests and modification phases will continue while the Internet environment itself is maturing.

3. The Current Process for Certificate

From 1978 to 1993, internal processing of applications and creation of certificates was done by hand. After the Examining Division cleared the claim for registration, a registration number was stamped on the application. A certificate was then created by photocopying the numbered application onto ''certificate paper,'' paper printed with the Copyright Office seal and the signature of the Register of Copyrights appearing in the upper left corner. The certificate was then mailed to the applicant. See Copyright Office Announcement, *Changes in Registration Procedures Effective January 1, 1978*, ML–171. (Nov. 1977).

Since 1993, portions of the numbering and certification process have been automated. The numbering clerk enters the In-Process Number by wand; the system generates barcoded registration number labels that are placed on the application and deposit. The clerk then scans the numbered application into the Copyright Imaging System (CIS), which records a digital image of the application. CIS interfaces with COINS to verify the availability of the fee and record the registration number assigned to the claim. The system transmits the image to a printer, which reproduces the image onto the ''certificate paper.'' The certificate is mailed to the applicant.

4. CORDS Certificates

The Office originally envisioned that certificates issued under CORDS would be identical to certificates issued through the paper-based system. In developing the system, however, programming problems in designing certificates that would accommodate the variations in classes of works made this goal costly to achieve. Therefore the Office designed a certificate which is identical to the current certificate in certain standard fields but which allows flexibility in other fields of information to accommodate the variations in

classes of works and information provided by the applicant.

The certificates produced from CORDS registration records would therefore be different in appearance than those produced from paper applications. All information provided by the applicant will be included in the certificate, in accordance with section 410(a) of the copyright law. However, where an item of non-essential information, such as a ''previous or alternative title,'' is not provided by the applicant, the heading for that information would not appear. Headings for essential information, such as the ''publication date,'' would appear even if left blank by the applicant. The information would be presented in the same sequence in the CORDS certificates, but the individual fields would vary in length to optimize space and to keep all of the information of one type together (*e.g.*, all titles listed together, all authors listed together, all claimants listed together). This system would also alleviate the need for continuation pages.

Two sample CORDS TX certificates reproduced as Appendix A and Appendix B illustrate the principles described above. Appendix A represents a simple claim and Appendix B a complicated claim that would have required a continuation sheet if filed using a printed form. Certain standard items, *e.g.*, location of the seal, registration and effective date, and certificate address would appear in the same areas as they do on the printed forms.

5. Scope of Public Comments

The Copyright Office is interested in receiving public comments on domestic or international difficulties, if any, in the Office's plan for issuing such certificates of registration under CORDS.

Appendix

Dated: March 18, 1997.

Marybeth Peters,

Register of Copyrights.

BILLING CODE 1410–30–P

FORM CORDS

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX 8-999-999

EFFECTIVE DATE OF REGISTRATION

January 18, 1997

Application received:	18Jan97
Fee received:	18Jan97
Deposit received:	18Jan97

TITLE OF WORK:

The Big Book of Cranberries

PUBLICATION AS A CONTRIBUTION TO:

The Big Fruit Book Series

Name of Author:	Tutti Fruitti Publishing Co., Inc.
"Work made for hire"?	Yes
Citizen of:	USA
Domiciled in:	USA
Nature of authorship:	Entire text, photographs and illustrations

YEAR OF CREATION: 1996

PUBLICATION:
Date: January 6, 1997
Nation: USA

COPYRIGHT CLAIMANT:

Tutti Fruitti Publishing Co., Inc.
34 Plum Tree Lane
Orange, CA 90009

PREVIOUS REGISTRATION: Has registration for this work or for an earlier version of this work already been made in the Copyright Office? No

DEPOSIT ACCOUNT: The fee for this registration is charged to the following account:

Name: University of Pueblo Printing Office
Account number: DA00010

Copyright Office Annotations:

Examined by: MJD
Correspondence: No

CORRESPONDENCE: Correspondence about this application may be addressed to:

Cherry Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

Daytime phone number: 301-999-9999
email address: capp@attynet.com

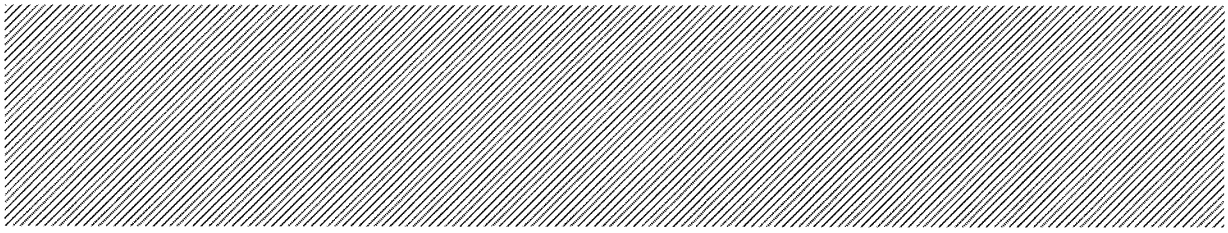
PERSON TO CONTACT FOR RIGHTS AND PERMISSIONS:

Cherry Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

Fax number: 301-222-2299

CERTIFICATION: I, the undersigned, hereby certify that I am the authorized agent of the Tutti Fruitti Publishing Co., Inc. and that the statements made by me in this application are correct to the best of my knowledge.

Cherry T. Appleby
The digital signature of the applicant is on file.



MAIL CERTIFICATE TO:

Cherry T. Appleby
Anderson and Anderson
11 Lawyers Street, Suite 333
Attorneyville, MD 22222

* 17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

FORM CORDS

For a Literary Work
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

TX 9-000-000

EFFECTIVE DATE OF REGISTRATION

January 28, 1997

Application received:	28Jan97
Fee received:	28Jan97
Deposit received:	28Jan97

TITLE OF WORK:

The Last Word on Space: Suns, Planets, Moons, Asteroids, Galaxies, Nebulae, Quarks, Black Holes, Novas, You Name It , It's There, and the UFOs are Going Beat Us To It If We Don't Get Moving

Name of Author:	Marjorie Moon, Ph.D.
"Work made for hire"?	No
Date of birth:	1950
Citizen of:	Canada
Pseudonymous contribution?	Yes
Nature of authorship:	Chapters 1 - 4
Name of Author:	Tom Taurus
Date of birth:	1950
Citizen of:	Canada
Domiciled in:	USA
Nature of authorship:	Chapters 5 - 8
Name of Author:	Venus Montgomery
Date of birth:	1923
Date of death:	1995
Citizen of:	USA
Domiciled in:	USA
Nature of authorship:	Chapters 9 - 12
Name of Author:	Julian Callendar
Date of birth:	1934
Domiciled in:	USA
Anonymous contribution?	Yes
Nature of authorship:	Chapters 13 - 16, Index

Copyright Office Annotations:

Examined by: MJD
Correspondence: No

YEAR OF CREATION: 1995

PUBLICATION:
Date: January 10, 1997
Nation: USA

COPYRIGHT CLAIMANT(S):

University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

University of Jackson, Publishing Division
12021 Helium Balloon Avenue
Jackson Hole, WY 78808

University of British Vancouver
Bureau of Intellectual Property and Publishing
Mount Shepard
Prince Rupert, BC A4UM7W Canada

TRANSFER: By assignment

PREVIOUS REGISTRATION: Has registration for this work or for an earlier version of this work already been made in the Copyright Office?

Yes. This is a changed version of the work.

Previous registration number: Txu 1-111-111

Year of registration: 1994

DERIVATIVE WORK OR COMPILATION:
Preexisting material: Chapters 1 and 2 previously published in a collection of essays

New material in which copyright is claimed: Revisions to Chapters 1 and 2, Chapters 3 - 16 all new text, index

DEPOSIT ACCOUNT: The fee for this registration is charged to the following account:

Name: University of Pueblo Printing Office
Account number: DA00010

REGISTRATION NUMBER

TX 9-000-000

(continued)

EFFECTIVE DATE OF REGISTRATION

January 28, 1997

CORRESPONDENCE: Correspondence about this application may be addressed to:

George Jupiter, Editor
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

Daytime phone number: 804-444-2222
Evening phone number: 804-444-4444
email address: gjup@uazpo.edu

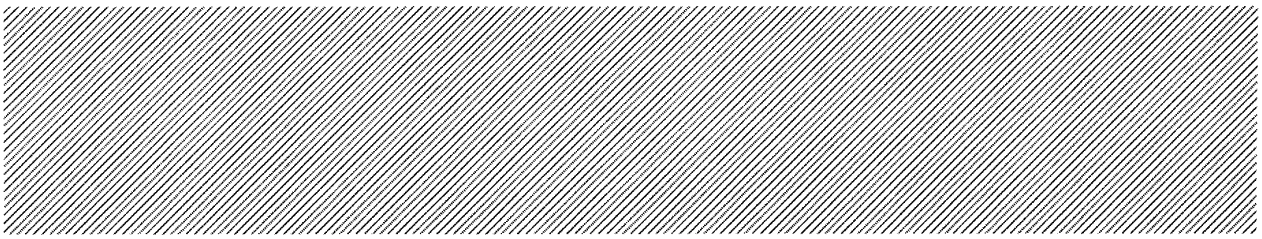
PERSON TO CONTACT FOR RIGHTS AND PERMISSIONS:

Michael Mercury, Editor-in-Chief
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

Daytime phone number: 804-555-5555
email address: mmer@uazpo.edu

CERTIFICATION: I, the undersigned, hereby certify that I am the authorized agent of the University of Pueblo Printing Office and that the statements made by me in this application are correct to the best of my knowledge.

/C=US/ST=AZ/0=University of Pueblo/CN=George Jupiter
The digital signature of the applicant is on file.



MAIL CERTIFICATE TO:

Michael Mercury, Editor-in-Chief
University of Pueblo Printing Office
University of Pueblo, Desert Campus
5 Mile Drive
Yuma, AZ 70777

* 17 U.S.C. § 506(e): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 409, or in any written statement filed in connection with the application, shall be fined not more than $2,500.

[FR Doc. 97–7210 Filed 3–20–97; 8:45 am]
BILLING CODE 1410–30–C

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Services, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) Propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Requests for copies must be received in writing on or before May 5, 1997. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Civilian Appraisal Staff (NWRC), National Archives and Records Administration, College Park, MD 20740–6001. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in the parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be fur nished to each requester.

Schedules Pending

1. Department of the Air Force (N1-AFU–97–8). Psychiatric treatment records (neuropsychological test and interpretative reports) proposed for long-term retention.

2. Department of the Army (N1-AU–97–3). Files pertaining to membership in the Military Affiliated Radio System (MARS).

3. Department of Commerce, National Telecommunications and Information Administration (N1–417–96–2 and N1–417–96–3). Textual and audiovisual records of the National Information Infrastructure Advisory Council (NIIAC), 1994–1995.

4. Department of Justice (N1–60–96–8). Case files for Americans with Disabilities Act technical assistance grants.

5. Department of Justice, Immigration and Naturalization Service (N1–85–96–6). Denied humanitarian parole case files.

6. Department of Justice, United States Marshals Service (N1–527–97–4). Policy and procedural issuances related to internal administrative functions such as travel and procurement.

7. Department of Justice, United States Marshals Service (N1–527–97–5). Political appointee clearance files.

8. Department of Labor (N1–174–96–4). Pamphlets, notices, and other miscellaneous publications unrelated to program activities.

9. Department of State, Bureau of Intelligence and Research (N1–59–94–13). Routine, facilitative, and duplicative information in the INR Information Support System. Substantive policy records are scheduled as permanent.

10. Department of State, Bureau of Consular Affairs (N1–59–97–14). Child custody and abduction case files.

11. Department of State, Bureau of International Organization Affairs (N1–59–97–15). Extra copies, pre-production materials, and distribution records for the annual report on peacekeeping. A record set is scheduled as permanent.

12. Department of Transportation, Research and Special Programs Administration (N1–467–97–1). Hazardous Materials Program and Office of Pipeline Safety routine program and administrative files. Majority of docket and program files scheduled for permanent retention.

13. Department of Treasury, Bureau of Alcohol, Tobacco, and Firearms (N1–436–96–4). Output from the Firearms Tracing System (masterfile and supporting documentation are designated for permanent retention).

14. Defense Logistics Agency (N1–361–97–4). Complaint investigative case files already approved for disposal and International Organization for Standardization quality system records documenting such matters as audits and customer complaints.

15. Federal Emergency Management Agency (N1–311–95–3). Routine case files for cultural properties that do not lead to agreements to provide assistance to buildings and sites damaged in disasters.

16. General Services Administration (N1–269–97–1). Board of Contract Appeals case files.

17. National Counterintelligence Center (N1–220–97–4). Administrative and facilitative records (substantive program records are designated for permanent retention).

Dated: March 14, 1997.

Michael J. Kurtz,

Assistant Archivist, for Record Services—Washington, DC.

[FR Doc. 97–7211 Filed 3–20–97; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Public Partnership Panel Teleconference

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Public Partnership Advisory Panel (Underserved Section) to the National Council on the Arts will meet on April 9, 1997. The panel will convene by teleconference from 1:00 p.m. to 4:30

p.m. The teleconference will be held in Room 726 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants.

In accordance with the determination of the Chairman of June 22, 1995, these sessions will be closed to the public pursuant to subsections (c) (4), (6) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 682–5691.

Dated: March 17, 1997.

Kathy Plowitz-Worden,

Panel Coordinator, National Endowment for the Arts.

[FR Doc. 97–7130 Filed 3–20–97; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Anthropological, Geographic Sciences; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following six meetings.

Name: Advisory Panel for Anthropological and Geographic Sciences (#1757).

Date and Time: April 6–7, 1997; 8:30 a.m.–5:00 p.m.

Place: Opryland Hotel, 2800 Opryland Drive, Room Bell-Mead B, Nashville, TN 37214.

Contact Person: Dr. John E. Yellen, Program Director for Archaeology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Agenda: To review and evaluate Archaeology proposals as part of the selection process for awards.

Date and Time: May 9, 1997; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

Contact Person: Dr. John E. Yellen, Program Director for Archaeology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1759.

Agenda: To review and evaluate Archaeometry proposals as part of the selection process for awards.

Date and Time: April 21, 1997; 8:30 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 970, Arlington, VA 22230.

Contact Person: Dr. Dennis O'Rourke, Program Director for Physical Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone (703) 306–1758.

Agenda: To review and evaluate Physical Anthropology proposals as part of the selection process for awards.

Date and Time: April 10–11, 1997; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 530, Arlington, VA 22230.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology proposals as part of the selection process for awards.

Date and Time: April 4, 1997; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 320, Arlington, VA 22230.

Contact Person: Dr. Stuart Plattner, Program Director for Cultural Anthropology, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1758.

Agenda: To review and evaluate Cultural Anthropology Dissertation proposals as part of the selection process for awards.

Date and Time: April 14–15, 1997; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 920 and 1060, Arlington, VA 22230.

Contact Person: Dr. James W. Harrington, or Thomas Leinbach, Program Directors for Geography, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1754.

Agenda: To review and evaluate Geography proposals as part of the selection process for awards.

Date and Time: May 5–6, 1997; 9:00 a.m.–5:00 p.m.

Place: National Science Foundation, Stafford Place, 4201 Wilson Boulevard, Room 365.

Contact Person: Dr. James W. Harrington, or Thomas Leinbach, Program Directors for Geography, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 306–1754.

Agenda: To review and evaluate Geography Dissertation proposals as part of the selection process for awards.

Type of Meetings: Closed

Purpose of Meetings: To provide advice and recommendations concerning support for research proposals submitted to the NSF for financial support.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 17, 1997.

Linda Allen-Benton,

Deputy Director, Division of Human Resource Management, Acting Committee Management Officer.

[FR Doc. 97–7173 Filed 3–20–97; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8964]

Notice of Receipt and Notice of Opportunity for Hearing; Rio Algom Mining Corp.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of receipt and notice of opportunity for hearing.

SUMMARY: Notice is hereby given that Rio Algom has requested U.S. Nuclear Regulatory Commission approval for renewal of license SUA–1548 for the Smith Ranch Uranium Project as a performance based license. Rio Algom's request was transmitted to NRC by letter dated February 12, 1997. The NRC staff is in the process of reviewing the request.

Rio Algom's letter requesting the proposed action, and the accompanying supporting information, are available for public inspection and copying at the NRC Public Document Room, in the Gelman Building, 2120 L Street NW., Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Mr. J. Robert Tinsley, Uranium Recovery Branch, Mail Stop TWFN 7–J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone 301/415–6251.

Notice of Opportunity for Hearing

The Commission hereby provides notice that this is a proceeding on an application for a licensing action falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings, of the Commission's Rules of Practice for Domestic Licensing Proceedings in 10 CFR Part 2'' (54 FR 8269). Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing. In accordance with § 2.1205(c), a request for a hearing must be filed within thirty (30) days from the date of publication of this **Federal Register** notice. The request for a hearing must be filed with the Office of the Secretary either:

(1) By delivery to the Docketing and Service Branch of the Office of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852; or

(2) By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Each request for a hearing must also be served, by delivering it personally or by mail to:

(1) The applicant, Rio Algom Mining Corp., P.O. Box 1390, Glenrock, Wyoming 82637;

(2) The NRC staff, by delivery to the Executive Director of Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the Commission's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

(1) The interest of the requestor in the proceeding;

(2) How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

(3) the requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

(4) The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

Any hearing that is requested and granted will be held in accordance with the Commission's Informal Hearing Procedures for Adjudications in Materials Licensing Proceedings in 10 CFR Part 2, Subpart L.

Dated at Rockville, Maryland, this 14th day of March, 1997.

For the Nuclear Regulatory Commission.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–7181 Filed 3–20–97; 8:45 am]

BILLING CODE 7590–01–P

[Docket No. 40–8968]

Hydro Resources, Inc.; Notice of Availability

AGENCY: Nuclear Regulatory Commission.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC), in cooperation with the U.S. Bureau of Land Management (BLM) and U.S. Bureau of Indian Affairs (BIA), has published a Final Environmental Impact Statement (FEIS) regarding the proposed construction and operation of an in-situ leach (ISL) project in McKinley County, New Mexico. This FEIS describes and evaluates the potential environmental impacts of granting Hydro Resources, Inc. (HRI) a combined source and 11(e)2 byproduct material license and minerals operating leases for Federal and Indian lands for the ISL project. The FEIS concludes, after reviewing the technical and environmental aspects of the proposed project, and evaluating other associated costs and benefits of the project, that the appropriate action is to issue the requested license and leases authorizing the applicant to proceed with the project as discussed in this FEIS.

ADDRESSES: Copies of this FEIS (NUREG–1508) may be requested by members of the public by writing to the NRC Publications Section, ATTN: Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013–7082. A copy is also available for inspection and/or copying in the NRC Public Document Room, 2120 L St. NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Robert D. Carlson, Project Manager, Uranium Recovery Branch, Mail Stop TWFN 7–J9, Division of Waste Management, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 415–8165.

SUPPLEMENTARY INFORMATION: The NRC, in cooperation with BLM and BIA, has prepared an FEIS regarding the administrative action of authorizing HRI to conduct ISL uranium mining, also known as solution mining, in conjunction with a combined source and 11(e)2 byproduct material license issued by the NRC, and minerals operating leases issued for Federal and Indian lands by BLM and BIA. The license and leases would provide programmatic and regulatory oversight in administrative matters; impose operating restrictions; and specify monitoring, record-keeping, and reporting requirements.

A Draft Environmental Impact Statement (DEIS) for the proposed action was prepared by an interagency review group comprising staff from the NRC, BLM, and BIA, which was published for comment in October 1994. After evaluating the environmental impacts of the proposed action in the DEIS, the reviewing agencies concluded that the appropriate action was to issue the requested license and proposed leases authorizing HRI to proceed with the project. The FEIS reevaluates the proposed licensing action on the basis of written and oral comments received by NRC on the DEIS, and on additional information obtained in 1995 and 1996 from the applicant. The FEIS describes the evaluation conducted by the interagency review group concerning (1) the purpose of and need for the proposed action, evaluated under the National Environmental Policy Act of 1969 as amended, and the cooperating agencies' implementing regulations; (2) alternatives to the proposed action; (3) the environmental resources that could be affected by the proposed action and alternatives; (4) the potential environmental consequences of the proposed action and alternatives; and (5) the economic costs and benefits associated with the proposed action.

The FEIS evaluates four alternatives. Under Alternative 1 (the proposed action), the NRC would issue HRI a license for the construction and operation of facilities for ISL uranium mining and processing at the Church Rock, Unit 1, and Crownpoint sites as proposed by HRI in its license application and related submittals. Under Alternative 2 (modified action), the NRC would issue HRI a license for the construction and operation of facilities for ISL uranium mining and processing as proposed by HRI, but at alternative sites and/or using alternative liquid waste disposal methods. Under Alternative 3 (the NRC staff-recommended action), the NRC would issue HRI a license for the construction and operation of facilities for ISL uranium mining and processing as proposed by HRI, but with additional measures required and recommended by NRC staff to protect public health and safety, and the environment. Under Alternative 4 (no action), the NRC would not issue HRI a license for the construction and operation of facilities for ISL uranium mining and processing at Church Rock, Unit 1, or Crownpoint sites.

On the basis of its independent review, the NRC staff concludes that the potential impacts of the proposed project can be mitigated, and that HRI should be issued a combined source and 11e(2) byproduct material license from NRC, and minerals operating leases from BLM and BIA. However, the license and leases should be conditioned on the commitments made by HRI in its license application and related submittals, and the various NRC staff mitigation requirements and recommendations discussed in the FEIS.

Dated at Rockville, Maryland, this 13th day of March 1997.

For the Nuclear Regulatory Commission.

Joseph J. Holonich,

Chief, Uranium Recovery Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 97–7182 Filed 3–20–97; 8:45 am]

BILLING CODE 7590–01–P

[50–282 AND 50–306]

Northern States Power Company; Prairie Island Nuclear Generating Plant, Units 1 and 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to the Facility Operating License Nos. DPR–42 and DPR–60, issued to Northern States Power Company, (the licensee), for operation of the Prairie Island Nuclear Generating Plants, Unit 1 and 2, respectively, located in Goodhue County, Minnesota.

Environmental Assessment

Identification of the Proposed Action

The proposed action would allow license amendments for Prairie Island Nuclear Generating Plant, Units 1 and 2, that resolve unreviewed safety questions associated with post-seismic cooling water source operations.

The proposed action is in accordance with the licensee's application for amendments dated January 29, 1997, as supplemented February 11, 12, March 7, 10, and 11, 1997.

The Need for the Proposed Action

The proposed action would revise the cooling water system emergency intake design bases. The proposed amendments contain license conditions that provide interim measures to resolve unreviewed safety questions relating to the cooling water system emergency intake line. The interim measures include the use of a dedicated operator to identify a seismic event so that nonessential cooling water loads can be stripped and the cooling water load demand can be reduced to within the capacity of the seismically qualified emergency intake pipe following a design-basis earthquake. The use of the dedicated operator will be eliminated when the licensee is able to provide a seismically qualified cooling water source either through analyses or modifications.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that pursuant to 10 CFR 50.90, the proposed amendments would not significantly increase the probability or consequences of accidents previously analyzed and the proposed amendments would not affect facility radiation levels or facility radiological effluents.

The changes will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Prairie Island Nuclear Generating Plants, Units 1 and 2.

Agencies and Persons Consulted

In accordance with its stated policy, on March 18, 1997, the staff consulted with the Minnesota State official, Mr. Michael McCarthy of the Department of Public Services, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 29, 1997, as supplemented by letters dated February 11, 12, March 7, 10, and 11, 1997, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Dated at Rockville, Maryland, this 18th day of March 1997.

For the Nuclear Regulatory Commission.

Beth Wetzel,

Project Manager, Project Directorate III–1, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 97–7318 Filed 3–20–97; 8:45 am]

BILLING CODE 7590–01–P

Nuclear Safety Research Review Committee

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

The Nuclear Safety Research Review Committee (NSRRC) will hold its next meeting on April 3–4, 1997 in Room T–10A1, Two White Flint North (TWFN) Building, 11545 Rockville Pike, Rockville, MD, from 9:00 a.m.—5:00 p.m. both days.

The meeting will be held in accordance with the requirements of the Federal Advisory Committee Act (FACA) and will be open to public attendance. The NSRRC provides advice to the Director of the Office of Nuclear Regulatory Research (RES) on matters of overall management importance in the direction of the NRC's program of nuclear safety research. The main purpose of this meeting will be: (1) to review the reports of the PRA/I&C and Human Factors joint Subcommittee meeting, the Accident Analysis Subcommittee meeting, and the Materials and Engineering Subcommittee meeting; (2) discuss research core competencies; and (3) review Advisory Committee effectiveness.

Participants in parts of the discussion will include senior NRC staff and other RES technical staff as necessary.

Members of the public may file written statements regarding any matter

to be discussed at the meeting. Members of the public may also make requests to speak at the meeting, but permission to speak will be determined by the Committee chairperson in accordance with procedures established by the Committee. A verbatim transcription will be made of the NSRRC meeting and a copy of the transcript will be placed in the NRC's Public Document Room in Washington, DC.

Any inquiries regarding this notice or any subsequent changes in the status and schedule of the meeting, may be made to the NSRRC Designated Federal Officer, Dr. Jose Luis M. Cortez (telephone: 301–415–6596), between 9:00 am and 5:00 pm. Persons planning to attend these meetings are encouraged to contact the above named individual one or two business days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated at Rockville, Maryland this 17th day of March, 1997.

For the Nuclear Regulatory Commission.

Andrew L. Bates,

Federal Advisory Committee Management Officer.

[FR Doc. 97–7176 Filed 3–20–97; 8:45 am]

BILLING CODE 7590–01–P

Regulatory Guides; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment drafts of three guides for its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guides are temporarily identified by their task numbers, DG–0006, DG–0007, and DG–0009 (which should be mentioned in all correspondence concerning these draft guides). DG–0006, ''Guide for the Preparation of Applications for Commercial Nuclear Pharmacy Licenses,'' is being developed to provide guidance to applicants and licensees in preparing applications for new licenses, license amendments, and license renewals for the possession, use, and distribution of byproduct material in commercial nuclear pharmacy operations. DG–0007, ''Guide for the Preparation of Applications for Licenses To Authorize Distribution of Various Items to Commercial Nuclear Pharmacies and Medical Use Licensees,'' is being developed to provide guidance to applicants and licensees on preparing applications for new licenses, license amendments, and license renewals for medical distribution licenses under 10 CFR Part 32, ''Specific Domestic Licenses To Manufacture or Transfer Certain Items Containing Byproduct Material.'' DG–0009, which is a proposed supplement to Revision 2 to Regulatory Guide 10.8, ''Guide for the Preparation of Applications for Medical Use Programs,'' is being developed to conform Regulatory Guide 10.8 with current medical use regulations. DG–0009 also proposes to add a new appendix to Regulatory Guide 10.8, Appendix Y, ''Provisions for Research Involving Human Subjects.'' All three of these guides are in conformance with new medical use regulations (59 FR 61767) that became effective on January 1, 1996.

The development of these guides has included coordination with the NRC's Advisory Committee on the Medical Uses of Isotopes (which includes a nuclear pharmacist), the NRC's Medical Visiting Fellow (a physician with special expertise in nuclear medicine), and a former NRC Medical Visiting Fellow (a nuclear pharmacist).

These draft guides are being issued to involve the public in the early stages of the development of a regulatory position in these areas. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on the draft guides. Comments should be accompanied by supporting data. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments will be most helpful if received by July 31, 1997.

Comments may be submitted electronically, in either ASCII text or Wordperfect format (version 5.1 or later), by calling the NRC Electronic Bulletin Board on FedWorld. The bulletin board may be accessed using a personal computer, a modem, and one of the commonly available communications software packages, or directly via Internet.

If using a personal computer and modem, the NRC subsystem on FedWorld can be accessed directly by dialing the toll free number: 1–800–303–9672. Communication software parameters should be set as follows: parity to none, data bits to 8, and stop bits to 1 (N,8,1). Using ANSI or VT–100 terminal emulation, the NRC NUREGs and RegGuides for Comment subsystem can then be accessed by selecting the ''Rules Menu'' option from the ''NRC Main Menu.'' For further information about options available for NRC at FedWorld, consult the ''Help/Information Center'' from the ''NRC Main Menu.'' Users will find the ''FedWorld Online User's Guides'' particularly helpful. Many NRC subsystems and databases also have a ''Help/Information Center'' option that is tailored to the particular subsystem.

The NRC subsystem on FedWorld can also be accessed by a direct dial phone number for the main FedWorld BBS, 703–321–3339, or by using Telnet via Internet, fedworld.gov. If using 703–321–3339 to contact FedWorld, the NRC subsystem will be accessed from the main FedWorld menu by selecting the ''Regulatory, Government Administration and State Systems,'' then selecting ''Regulatory Information Mall.'' At that point, a menu will be displayed that has an option ''U.S. Nuclear Regulatory Commission'' that will take you to the NRC Online main menu. The NRC Online area also can be accessed directly by typing ''/go nrc'' at a FedWorld command line. If you access NRC from FedWorld's main menu, you may return to FedWorld by selecting the ''Return to FedWorld'' option from the NRC Online Main Menu. However, if you access NRC at FedWorld by using NRC's toll-free number, you will have full access to all NRC systems but you will not have access to the main FedWorld system.

If you contact FedWorld using Telnet, you will see the NRC area and menus, including the Rules menu. Although you will be able to download documents and leave messages, you will not be able to write comments or upload files (comments). If you contact FedWorld using FTP, all files can be accessed and downloaded but uploads are not allowed; all you will see is a list of files without descriptions (normal Gopher look). An index file listing all files within a subdirectory, with descriptions, is included. There is a 15-minute time limit for FTP access.

Although FedWorld can be accessed through the World Wide Web, like FTP that mode only provides access for downloading files and does not display the NRC Rules menu.

For more information on NRC bulletin boards call Mr. Arthur Davis, Systems Integration and Development Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–5780; e-mail AXD3@nrc.gov. For more information on these draft regulatory guides, contact Dr. D. Howe,

(301) 415–7848, email dbh@nrc.gov; or Dr. S. Jones, (301)415–6198, email szj@nrc.gov.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) Items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Requests for single copies of final or draft guides (which may be reproduced), or for placement on an automatic distribution list for single copies of future draft guides in specific divisions, should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Distribution and Mail Services Section, or by fax at (301) 415–2260. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 4th day of March 1997.

For the Nuclear Regulatory Commission.

Bill M. Morris,

Director, Division of Regulatory Applications Office of Nuclear Regulatory Research.

[FR Doc. 97–7180 Filed 3–20–97; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following closed meeting during the week of March 24, 1997.

A closed meeting will be held on Thursday, March 27, 1997, at 10:00 a.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at the closed meeting.

Commissioner Johnson, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the closed meeting scheduled for Thursday, March 27, 1997, at 10:00 a.m., will be:

Institution and settlement of injunctive actions.

Institution and settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: The Office of the Secretary at (202) 942–7070.

Dated: March 19, 1997.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–7390 Filed 3–19–97; 3:39 pm]

BILLING CODE 8010–01–M

[Release No. 34–38409; File No. SR–Amex-97–02]

Self-Regulatory Organizations; Order Granting Approval to Proposed Rule Change by American Stock Exchange, Inc., Relating to Amendments to Rules 103 and 950 Regarding Intra-day Trading

March 14, 1997.

I. Introduction

On January 22, 1997, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt provisions restricting intro-day trading.

The proposed rule change was published for comment in the **Federal Register** on February 12, 1997.[3] No comments were received on the proposal. This order approves the proposal.

II. Description of the Proposal

Presently, Rule 103(c) prohibits an Amex Floor member, with certain exceptions, from exercising discretion with respect to the choice of security to be bought or sold, the total amount of the security to be bought or sold, or whether the transaction shall be a purchase or sale. Currently, there are no provisions in Rule 103(c), or otherwise, specifically governing the practice of intra-day trading. The term ''intra-day trading'' refers to the practice whereby a customer places orders on both sides of the market and attempts to profit by buying at the bid and selling at the offer.

The Exchange proposed to amend Rule 103 to add new intra-day trading provisions. These provisions will apply only when a Floor member simultaneously represents, for the same customer's account,[4] market or limit orders on both sides of a minimum variation market. Under the proposal, if a Floor member acquires a position on behalf of an intra-day trader's account, Rule 103(c)(2) will place certain restrictions on how the member can liquidate or cover that position during the same trading session. Specifically, the member will be required to obtain a new liquidating order (i.e., one entered subsequent to the acquisition of the contra-side position) from his or her customer. The new order must be time-recorded both upstairs and upon receipt on the Trading Floor.

Proposed Rule 103(c)(3) will require the Floor member to execute the liquidating order entered pursuant to Rule 103(c)(2) before he or she can execute any other order for the same account on the same side of the market as that liquidating order. Pursuant to proposed Commentary .01 to Rule 103, the new provisions will not apply, however, to the execution of: an order to liquidate or cover a position carried over from a previous trading session; a position assumed as part of a strategy relating to bona fide arbitrage; or a position assumed in reliance on the exemption for block positioners.

Proposed Commentary .02 sets forth examples of how the provisions of Rule 103(c)(2) and (3) will operate, while proposed Commentary .03 details the types of orders that a Floor member may handle simultaneously, without violating Rule 103's prohibition against a member choosing whether a transaction will be a purchase or sale.

III. Discussion

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission believe the proposal is consistent with the requirements of Section 6(b)(5) of the Act.[5]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 38243 (February 5, 1997), 62 FR 6590.

[4] For purposes of this Rule, an ''account'' would be deemed to be any account in which the same person or persons is directly or indirectly interested.

[5] 15 U.S.C. 78f(b)(5).

The Commission believes the proposal is consistent with Section 6(b)(5) [6] because it is designed to promote just and equitable principles of trade and to help perfect the mechanism of a free and open market. As described above, these new changes are intended to address trading situations where a Floor member, representing at the same time buy and sell orders at the minimum variation for the same customer, may be perceived as having a time and place advantage over other market participants in that he or she may be able to trade for the same customer without leaving the Trading Crowd. By requiring the entry of a new liquidating order, the Commission believes the proposed rule will minimize any such perceived advantage.

In addition, the proposed rule change will conform the Exchange's rules to the rules of another exchange, which also restricts intra-day trading.[7]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–Amex-97–02) is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[9]

Jonathan G. Katz,

Secretary.

[FR Doc. 97–7192 Filed 3–20–97; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–38404; File No. SR–DTC–97–03]

Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Modify the Receiver Authorized Delivery and Reclamation Procedures for Payment Orders

March 14, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on February 4, 1997, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (File No. SR–DTC–97–03) as described in Items I, II, and III below, which items have been prepared primarily by DTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The purpose of the proposed rule change is to modify DTC's Receiver Authorized delivery (''RAD'') procedures and reclamation procedures with respect to payment orders.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, DTC 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. DTC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposal is to modify DTC's RAD procedures and reclamation procedures with respect to payment orders. DTC proposes (1) To reduce the minimum bilateral RAD threshold for payment orders from $15 million to $1 million, (2) to modify a Participants Terminal System (''PTS'') function (RADL) to enable a participant to set a different RAD limit for payment orders and deliver orders for each contra-participant, and (3) to allow only matched reclaims of payment orders with a value less than $1 million to bypass risk management controls (*i.e.*, collateral monitor and net debit caps). DTC is proposing this rule change in order to reduce the risk to DTC and its participants of failure-to-settle situations.

In 1995, DTC modified its RAD procedures in preparation for the same-day funds settlement (''SDFS'') conversion.[3] The modifications to RAD procedures established a $15 million minimum bilateral RAD limit one participant can impose on another participant. Under the modified procedure, the receiver of a payment order with a value of less than $15 million generally does not have an opportunity to review and approve the transaction.[4] The RAD modifications were implemented to minimize the number of transactions subject to RAD and the related possibility for transaction blockage once all activities were converted to SDFS.

DTC also modified its reclamation procedures in preparation for the SDFS conversion and in conjunction with the modifications to RAD procedures to ensure that this policy did not cause undue burden on participants.[5] Under the modified reclamation procedures, a matched reclaim [6] of a payment order or deliver order with a settlement value less than $15 million is currently not subject to risk management controls.

However, payment orders differ from deliver orders because payment orders are ''money-only'' transactions and do not involve securities. When a payment order is processed, the receiver of the payment order receives a settlement debit but does not receive any securities that could serve as collateral for the debit incurred. Similarly, if a payment order is reclaimed, the receiver of the reclamation incurs a debit without receiving offsetting securities as collateral. DTC has determined that there is more risk inherent in the reclamation of payment orders than in the reclamation of deliver orders because the reclamation of payment orders would more likely cause a participant's account to become undercollateralized. Therefore, DTC believes that a more conservative approach with respect to RAD procedures and reclamation procedures is appropriate for payment orders.

Under the proposed rule change, RAD procedures and reclamation procedures for payment orders will be modified as follows: (1) the minimum bilateral RAD threshold for payment orders will be reduced to $1 million from $15 million; (2) the PTS function (RADL) will be modified to enable a participant to set a different RAD limit for payment orders

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[6] *Id.*

[7] *See* New York Stock Exchange (''NYSE'') Rule 95; Securities Exchange Act Release No. 34363 (July 13, 1994), 59 FR 36808 (July 19, 1994) (order approving the NYSE's amendments to Rule 95 which added intra-day trading provisions). The Commission incorporates by reference the discussion and analysis contained in the July 1994 Release.

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by DTC.

[3] Securities Exchange Act Release No. 35720 (May 16, 1995), 60 FR 27360 [File No. SR–DTC–95–06] (order granting accelerated approval of a proposed rule change modifying DTC's SDFS system).

[4] Original payment orders submitted between 3:00 p.m. and 3:20 p.m. are subject to RAD regardless of their settlement value.

[5] Securities Exchange Act Release No. 36476 (November 9, 1995), 60 FR 57728 [File No. SR–DTC–95–16] (notice of filing and order granting accelerated approval of a proposed rule change relating to the modification of DTC's reclamation procedures).

[6] A reclaim is deemed to be ''matched'' if its corresponding original delivery was processed on the current processing day or the preceding business day.

and deliver orders for each contra-participant; and (3) matched reclaims of payment orders with a value less than $1 million will not be subject to risk management controls.

DTC does not anticipate that these modifications will cause significantly greater transaction volume. Approximately 98.5% of payment orders processed by DTC are valued at an amount less than $1 million. Furthermore, DTC estimates that approximately 600–800 payment orders of the 50,000 payment orders processed by DTC on a daily basis could potentially be subject to the proposed RAD approval procedures.

DTC believes that the proposed rule change is consistent with Section 17A of the Act[7] and the rules and regulations thereunder because it will provide for the equitable allocation of dues, fees, and other charges among participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

DTC does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

On December 13, 1996, DTC sent its participants an Important Notice describing the proposed rule change. The proposed rule change has been discussed with a limited number of participants. None of the participants with whom DTC discussed the proposed rule change expressed any opposition to its adoption. Written comments from DTC participants have not been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(iii)[8] of the Act and pursuant to Rule 19b–4(e)(6)[9] promulgated thereunder because the proposed rule is effecting a change that: (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; (3) does not become operative for thirty days from the date of its filing on February 4, 1997, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; and (4) was provided to the Commission for its review at least five days prior to the filing date. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of DTC. All submissions should refer to File No. SR–DTC–97–03 and should be submitted by April 11, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 97–7193 Filed 3–20–97; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78q–1.

[8] 15 U.S.C. 78s(b)(3)(A)(iii).

[9] 17 CFR 240.19b–4(e)(6).

[10] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974: Deletion of a System of Records Notice

AGENCY: Office of the Secretary, DOT.

ACTION: Notice to delete a system of records notice.

SUMMARY: The Department of Transportation is deleting the following system from its inventory of Privacy Act systems of records notices.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Crystal M. Bush, Privacy Coordinator, U.S. Department of Transportation, Washington, DC 20590. Telephone: (202) 366–9713.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act of 1974, the Department of Transportation conducted a review of several of its Privacy Act systems of records and determined the following records are no longer kept by the Department of Transportation.

System No.	System name
DOT/OST 064	Mobility Assignment Candidate File.

Dated: March 13, 1997.

Crystal M. Bush,

Privacy Act Coordinator.

[FR Doc. 97–7194 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

[Summary Notice No. PE–97–17]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before April 10, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–

200), Petition Docket No._____, 800 Independence Avenue SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9–NPRM–CMTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Fred Haynes (202) 267–3939 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on March 17, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28775.

Petitioner: American Flyers, Inc.

Sections of the FAR Affected: 14 CFR 141 Appendix C, paragraph 3 (c) and (d).

Description of Relief Sought: To allow the petitioner to provide an applicant for the instrument rating with instruction in instrument approaches using two different nonprecision approach systems and one precision approach system, rather than exclusively using very high frequency omnidirectional range (VOR), automatic direction finder (ADF), and instrument landing system (ILS) approaches.

Docket No.: 28776.

Petitioner: Dwight E. Reber.

Sections of the FAR Affected: 14 CFR 21.25(a)(2), 21.29(a), and 21.185(c).

Description of Relief Sought: To allow the petitioner to be entitled to a restricted category type certificate and airworthiness certificate for his Kamov Ka–26 Hoodlum light twin-engine helicopter.

Docket No.: 28801.

Petitioner: North American Powered Parachute Association.

Sections of the FAR Affected: 14 CFR 61.3(a) and 61.31 (c) and (d)(1).

Description of Relief Sought: To permit the petitioner a means to establish training and pilot certification requirements for powered parachutes and would permit persons to operate and provide training in a FAA-certified powered parachute without a pilot certificate or rating for that aircraft. Additionally, it would provide the petitioner a means to authorize persons to operate certificated powered parachutes while FAA final rulemaking action that will establish powered parachute pilot certification and training requirements is being completed.

Docket No.: 28834.

Petitioner: LifePort, Inc.

Sections of the FAR Affected: 14 CFR 25.562 and 25.785(b).

Description of Relief Sought: To permit certification of the petitioner's medical stretchers for transport of persons whose medical condition dictates such accommodations on the Cessna Model 750 (Citation X).

[FR Doc. 97–7227 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application to Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Key Field Airport, Meridian, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Key Field Airport under the provisions of the aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before April 21, 1997.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA/Airports District Office, 120 North Hangar Drive, Suite B, Jackson, Mississippi 39208–2306.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Tom Williams, Executive Director of the Meridian Airport Authority at the following address: Post Office Box 4351, 2811 Highway 11 South, Meridian, Mississippi 39304–4351.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Meridian Airport Authority under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: David Shumate, Project Manager, FAA Airports District Office, 120 North Hangar Drive, Suite B, Jackson, Mississippi 39208–2306, telephone number 601–965–4628. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Key Field Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On March 13, 1997, the FAA determined that the application to impose and use the revenue from a PFC submitted by Meridian Airport Authority was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than July 3, 1997.

The following is a brief overview of the application.

PFC Application Number: 97–04–C–00–MEI.

Level of the proposed PFC: $3.00.

Proposed charge effective date: 6–1–2000.

Total estimated net PFC revenue: $32,500.

Estimated PFC revenues to be used on projects in this application: $32,500.

Brief description of proposed projects: Design inspection and testing costs for rehabilitation of runway 1/19; Rehabilitation of airfield lighting cabling.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the office of the Meridian Airport Authority.

Issued in Jackson, Mississippi, on March 13, 1997.

Billy Nabors,

Acting Manager, Airports District Office, Southern Region, Jackson, Mississippi.

[FR Doc. 97–7229 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

Aviation Rulemaking Advisory Committee Meeting on Aircraft Certification Procedures Issues

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration's Aviation Rulemaking Advisory Committee to discuss Aircraft Certification Procedures issues.

DATES: The meeting will be held on April 17, 1997, at 1:00 p.m. Arrange for oral presentations by April 10, 1997.

ADDRESSES: The meeting will be held at GAMA, 1400 K St. NW, Suite 801, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Jeanne Trapani, Office of Rulemaking (ARM–208), 800 Independence Avenue, SW, Washington, DC 20591, telephone (202) 267–7624.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking advisory committee to be held on April 17, 1997, at GAMA, 1400 K St. NW, Suite 801, Washington, DC 20005. The agenda for the meeting will include:

Opening Remarks
Discussion on Revalidation of ARAC Tasks
Working Group Status Reports
  Production Certification
  Parts
  Delegation
  Vote for Recommendation to the FAA—
  TSO–C149, Aircraft Bearings
  TSO–C150, Aircraft Seals
Discussion on training
New Business

The documents that will be voted on at the meeting are available to the public by contacting the person listed in the section **FOR FURTHER INFORMATION CONTACT**.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by April 10, 1997, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Assistant Executive Director for Aircraft Certification Procedures or by bringing the copies to her at the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT**.

Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

Issued in Washington, DC, on March 17, 1997.

Ava L. Mims,

Assistant Executive Director, Aviation Rulemaking Advisory Committee on Aircraft Certification Procedures.

[FR Doc. 97–7226 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

Air Traffic Procedures Advisory Committee

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from April 21–24, 1997, from 9 a.m. to 5 p.m. each day.

ADDRESSES: The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles R. Reavis, Executive Director, ATPAC, Strategic Operations/ Procedures Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267–3725.

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held April 21 through April 24, 1997, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than April 18, 1997. The next quarterly meeting of the FAA ATPAC is planned to be held from July 14–17, 1997, in Portland, Oregon.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on March 18, 1997.

Charles R. Reavis,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 97–7228 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

Corrections

Federal Register

Vol. 62, No. 55

Friday, March 21, 1997

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961210346–7035–02; I.D. 120596A]

RIN 0648–XX76

Summer Flounder Fishery; Final Specifications for 1997; Adjustment to 1997 State Quotas; Commercial Quota Harvested for Delaware

Correction

In the issue of Thursday, March 13, 1997, on page 11953, in the second column, in the correction of rule document 97-5698, the CFR title and part heading was inadvertently omitted, it should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 201 and 331

[Docket No. 90N-0309]

RIN 0910-AA63

Drug Labeling; Sodium Labeling for Over-the-Counter Drugs

Correction

In rule document 96–9735 beginning on page 17798 in the issue of Monday, April 22, 1996 make the following correction:

Beginning on page 17798 through 17806, the date in the running head ''Monday, April 22, 1995'' should read ''Monday, April 22, 1996''.

BILLING CODE 1505-01-D

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404 and 416

[Regulations Nos. 4 and 16]

RIN 0960-AE57

Supplemental Security Income; Determining Disability for a Child Under Age 18; Interim Final Rules With Request for Comments

Correction

In interim rule document 97–3317, beginning on page 6408 in the issue of Tuesday, February 11, 1997, make the following corrections:

1. On page 6410, in the second column, in the second line from the bottom, ''regimes'' should read ''regimens''.

2. On the page 6410, in the third column, in the second line from the bottom, ''*Marked*'' should read ''*marked*''.

3. On page 6413, in the second column, in the eighth line, ''news'' should read ''new''.

4. On page 6413, in the second column, in the seventeenth line from the bottom, ''that'' should read ''the''.

5. On page 6414, in the first column, in the twelfth line from the bottom, ''Board'' should read ''Broad''.

Appendix 1 to Subpart P [Corrected]

6. On page 6419, in the first column, in amendatory instruction 2, in the second line ''text'' should read ''text,''.

7. On page 6419, in the first column, in amendatory instruction 2, in the fourth and fifth lines, ''and the undesignated paragraph under it'' is removed.

8. On page 6419, in the first column, in amendatory instruction 2, in the sixth line, ''introductory text'' is removed.

9. On page 6419, in the third column, in Appendix 1 to Subpart P, in 4. *Adolescents (age 12 to attainment of age 18).*, in the sixth line, ''measure'' should read ''measures''.

§ 416.902 [Corrected]

10. On page 6420, in the third column, in § 416.902, in the sixth line from the bottom of the definition *Marked and severe functional limitations*, ''*Marked*'' should read ''*marked*''.

§ 416.919n [Corrected]

11. On page 6421, in the third column, in § 416.919n (c)(6), in the second line, ''d0'' should read ''do''.

§ 416.926a [Corrected]

12. On page 6425, in the second column, in § 416.926a (b)(3), in the fourth line, ''be'' should read ''by''.

13. On page 6426, in the second column, in the seventh line from the bottom of § 416.926a (c)(4)(i), ''feelings,'' should read ''feelings''.

14. On page 6426, in the third column, in § 416.926a (c)(5)(i), in the third line, ''*age 1)*'' should read ''*age 1).*''.

15. On page 6428, in the first column, in § 416.926a (c)(5)(v), in the second line ''*age 18):*'' should ''*age 18).*''.

16. On page 6428, in the first column, in § 416.926a (c)(v)(D), in the seventh line, ''regiments'' should read ''regimens''.

17. On page 6428, in the second column, in § 416.926a (d), in the fourth line ''impairment'' should read ''impairments''.

18. On page 6428, in the second column, in § 416.926a (d), in the eighth line ''limits'' should read ''limitations''.

19. On page 6428, in the second column, in § 416.926a (d)(3), in the second line ''alimentatin'' should read ''alimentation''.

20. On page 6430, in the second column, in amendatory instruction 28, in the third line, ''(d)'' should read ''(d),''.

21. On page 6430, in the second column, in amendatory instruction 28, in the ninth line, ''paragraphs'' should read ''paragraph''.

§ 416.994a [Corrected]

22. On page 6431, in the first column, in § 416.994a (b)(3), in the thirteenth line, ''any'' should be added immediately following ''including''.

23. On page 6431, in the second column, in the last line of § 416.994a (d), ''examination'' should read ''examinations''.

24. On page 6431, in the third column, in § 416.994a (e)(1), in the first line, ''impairment'' should read ''impairments''.

25. On page 6432, in the first column, in the last line of § 416.994a (i)(2), ''to'' should be added immediately following ''limited''.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 96–AGL–29]

Establishment of Class E Airspace; Lemmon, SD, Lemmon Municipal Airport

Correction

In rule document 97–6617, beginning on page 12536, in the issue of Monday, March 17, 1977, make the following correction:

On page 12537, in the first column, in the **AGL SD E5 Lemmon, SD [New]** paragraph, in the eighth line, ''45°33′00″'' should read ''45°45′00″''.

BILLING CODE 1505-01-D

Friday
March 21, 1997

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Part 107, et al.
Sensitive Security Information; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 107, 108, 109, 129, 191

[Docket No. 27965; Amendment Nos. 107–10, 108–15, 109–3, 129–26, and 191–4]

RIN 2120–AF49

Sensitive Security Information

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule strengthens the existing rules protecting sensitive security information from unauthorized disclosure. Part 191 is expanded to apply to air carriers, airport operators, indirect air carriers, foreign air carriers, and individuals, and specifies in more detail what sensitive security information they must protect. Part 191 continues to describe what information is protected from disclosure by the FAA, and describes in more detail that information. This final rule also changes part 107, 108, 109, and 129 to correspond with changes it makes to part 1991. This action is necessary to counter the increased sophistication of those who pose a threat to civil aviation and their ability to develop techniques to subvert current security measures. The intended effect of this action is to prevent undue disclosure of information that could compromise public safety if it falls into the wrong hands, while being mindful of the public's legitimate right to know and interest in aviation information.

DATES: This rule is effective April 21, 1997. FAA will comply with the provisions of this rule on March 21, 1997.

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SUPPLEMENTARY INFORMATION:

Background

The Security Regulatory Scheme

The FAA is required to prescribe rules, as needed, to protect persons and property on aircraft against acts of criminal violence and aircraft piracy, and to prescribe rules for screening passengers and property for dangerous weapons, explosives, and destructive substances. See, 49 U.S.C. 44901 through 44904. To carry out the provisions of the statute, the FAA has adopted rules requiring airport operators, air carriers, indirect air carriers, and foreign air carriers to carry out various duties for civil aviation security. Title 14, Code of Federal Regulations, part 107 (14 CFR part 107) applies to certain airport operators. Part 108 (14 CFR part 108) governs certain air carriers.

Part 109 (14 CFR part 109) applies to indirect air carriers such as freight forwarders, who engage indirectly in air transportation of property. Part 129 (14 CFR part 129) applies to the operation of foreign air carriers within the United States.

Parts 107, 108, 109, and 129 contain general requirements for promoting civil aviation security. Each airport operator, air carrier, indirect air carrier, and foreign air carrier covered by these parts also has a security program that is approved or accepted by the Administrator, containing information that specifies how airport operators and air carriers perform their regulatory and statutory responsibilities. These security programs are available only to persons with the need-to-know, as described more fully below.

Each air carrier's security program is a comprehensive document that details the full range of security procedures and countermeasures that air carriers are required to perform under 14 CFR 108.5. This program includes procedures for: (1) Screening of passengers, carry-on baggage, checked baggage, and cargo; (2) using screening devices (such as X-ray systems and metal detectors); (3) controlling access to aircraft and air carrier facilities; (4) reporting and responding to bomb threats, hijackings, and weapons discovered during screening; (5) reporting and protecting bomb threat information; (6) identifying special procedures required at airports with special security needs; and (7) training and testing standards for crewmembers and security personnel.

The airport security program is a comprehensive document that details the full range of security procedures and countermeasures that airport operators are required to perform under 14 CFR 107.3. Most programs include: (1) Descriptions of the air operations area (AOA), each area on or adjacent to the airport that affect the security of the AOA, and air carriers exclusive areas; (2) procedures to control access to the AOA; (3) alternate security procedures for use in emergency and other unusual conditions; and (4) law enforcement support training and record maintenance programs in furtherance of part 107. Programs for some airports include a description of the law enforcement support training program and the system for maintaining records.

The indirect air carrier security program covers security procedures for cargo that is accepted for transport on air carrier aircraft. In general, indirect air carriers are required to carry out security procedures for handling cargo that will be carried on air carrier aircraft.

Foreign air carriers' security programs provide security procedures for foreign air carriers while operating to and from the United States, which is a counterpart to the procedures required under part 108.

Security programs of individual companies are based largely on standard security programs and amendments developed by the FAA and industry. As new threats are identified and improved countermeasures developed, the FAA develops standard means to respond to the threats and improve security.

Other sources of information and countermeasures are contained in the Security Directives and Information Circulars, described in § 108.18. These sources address threats to civil aviation security as well as responsive countermeasures to those threats. Additionally, these sources provide sensitive information concerning various security devices, such as metal detectors and X-ray machines.

The Need to Protect Security Information

The notice of proposed rulemaking contained a history of how the threat to civil aviation has increased over the years. The FAA monitors potential threats to civil aviation. Terrorist pose an increasingly sophisticated threat to civil aviation. This has led the FAA to reevaluate the release of security information to the public, particularly in response to requests under the FOIA. This information has been termed sensitive security information (SSI).

It is important to keep details of security measures and FAA evaluations of security out of the public domain where terrorists could read them. If the information identified in this rule were publicly available, it could reveal potential weaknesses in the current security system.

The FAA is mindful of the public's legitimate interest in how the FAA operates and how it regulates the aviation industry, as well as how the industry is carrying out its duties. The FAA has a corresponding responsibility to prevent undue disclosure of information that could compromise public safety if it falls into the wrong hands. The rule has been carefully considered and covers only information

that could reasonably be anticipated to be damaging to the security of the traveling public if given to unauthorized persons.

Security programs are absolutely essential mechanisms through which the FAA regulates the air carriers' and airports' detailed obligations with respect to ensuring civil aviation security. Much of the effectiveness of the programs depends on strictly limiting access to such information to those persons who have a need-to-know. Unauthorized disclosure of the specific provisions of the air carrier and airport security programs or other aviation security information would allow potential attackers of civil aviation to devise methods to circumvent or otherwise defeat the security provisions. It would also discount the deterrent effect inherently provided in prohibiting disclosure of security measures that may or may not be in place.

There are sophisticated criminal elements who actively seek information on what seemingly are minor security points, with a view to accumulating a larger picture of the entire security program. Therefore, it is imperative that the entire security program be protected. Similarly, it is critical to protect the information contained in Security Directives and Information Circulars. These documents contain detailed information on threats that the FAA has identified, and the measures to counter those threats. The unauthorized release of that information could compromise those countermeasures. In addition, particular information regarding FAA approved security devices, such as metal detectors, should also be protected to the extent possible.

Current Protection of Security Information

Currently, the FAA, airport operators, air carriers, indirect air carriers, and foreign air carriers are required to restrict the availability of information contained in security programs to those with a need-to-know, and to refer requests for such information by other persons to the FAA. These requirements are in §§ 107.3(e), 108.7(c) (4) and (5), 109.3(c), and foreign air carrier security programs. In addition, § 108.18(d) specifically requires both air carriers and individuals to restrict the availability of Security Directives and Information Circulars, and the information contained therein, to persons with a need-to-know. However, individuals who work for or perform activities in support of the air carriers are not required to protect other security information.

Part 191 states when the FAA will withhold certain requested information from public disclosure, such as when requested under the Freedom of Information Act (FOIA) (5 U.S.C. 552), in litigation, or in rulemaking. Part 191 currently applies only to the FAA, and does not specify all of the sources of SSI that should be covered.

Civil aviation security information protected under the Federal Aviation Regulations is different from Classified National Security Information governed by Executive Order 12598 and related orders, statutes, and rules. The Executive Order provides for classifying information as Top Secret, Secret, and Confidential, and covers a wide range of information affecting the national security. All persons with access to such information must have an appropriate security clearance, and there may be a criminal penalty for misuse of the information. While there is some ''classified'' civil aviation security information, part 191 is not directed to the handling of classified information. Indeed, part 191 is needed because the SSI is not National Security Information and therefore is not subject to the controls that apply to such information.

This final rule improves the protection of SSI by amending parts 107, 108, 109, 129, and 191 as described more fully later in the document.

Discussion of Comments

The FAA published Notice of Proposed Rulemaking No. 94–32 on December 6, 1994 (59 FR 62956). In response to Notice No. 94–32, 17 comments were received from a total of 18 commenters, 2 commenters having jointly submitted 1 comment.

Five commenters state that the proposed language in proposed § 191.5(a) on the release of SSI is too broad. Of these, two commenters ask the FAA to limit this language by linking the enforcement of SSI unauthorized releases to significant compromises of security or those that result in an actual security incident.

The FAA believes the suggested language would weaken the rule. The FAA should not have to wait to see if the improperly released or compromised information is actually misused before taking action against the person(s) who released it. On the contrary, one purpose of the rule is to have more clear and consistent guidance as to what must be protected. In every case in which the FAA considers what enforcement action to take in response to a violation, however, the FAA considers all factors, including the potential or actual adverse impact on safety or security.

The same two commenters also share the view that the FAA should limit the geographic scope of airport security programs solely to that area where scheduled carriers operate. These commenters argue that this geographic limitation would remove general aviation operations from the Air Operations Area (AOA), reducing the number of individuals with a ''need-to-know'' and thereby reducing the potential for the release of SSI.

The FAA finds that the scope of the airport security program would be more appropriately addressed in Part 107. If needed, airport operators may contact their cognizant FAA security office for a re-evaluation of the geographic areas in which security measures are applied.

Six commenters request the addition of language to proposed § 191.5 (a) or (d) to make clear that, if an air carrier or airport operator has established a reasonable procedure for the control of sensitive information and has not been negligent in monitoring compliance with this procedure, the air carrier or airport operator would not be held to a standard of strict liability for disclosures made by individuals.

Currently § 108.7(c)(4) requires each air carrier to ''restrict the availability of information contained in the security program to those persons with an operational need-to-know * * *'' Current § 107.3(e) requires in part that each airport operator ''restrict the distribution, disclosure, and availability of information contained in the security program to those persons with an operational need-to-know * * *'' Proposed § 191.5(a) would impose similar duties on airport operators and air carriers, stating that they must ''restrict disclosure of and access to sensitive security information to persons with a need-to-know, * * *'' The FAA is not aware that any instance in which an air carrier or airport operator allegedly has been held to an unduly strict standard for compliance with the current rules. Accordingly, no change is needed to the proposal.

Two commenters indicate that, when the FAA releases a Security Directive to the air carriers, the air carriers' principal means of dissemination to the affected locations throughout the world are via facsimile, teletype, and electronic mail messages. The commenters indicate that remote facsimile machines, high speed printers, and computers often are not located in secured areas and operate on a 24-hour schedule due to differences in time zones. The commenters state that, unlike certain government agencies that routinely handle SSI, there are very few air carrier employees, and even fewer contract workers, who hold a

Department of Defense (DOD)-approved SECRET clearance. Nonetheless, the commenters say they do support the premise that individuals should be penalized if they have acted imprudently or knowingly disregarded the instructions of their employers. The commenters state that even with the clearest of instructions regarding the protection of the information, it is unreasonable to expect air carriers to be totally responsible for the actions of a large number of individuals.

As noted earlier in this document, the air carriers' responsibility under the rule will be similar to their responsibilities under the current rule, and air carriers that are in compliance now need not change their procedures.

SSI is not Classified National Security Information, and no Secret clearance issued by the Federal government is required to gain access to it. The FAA realizes that certain employees will have access to SSI simply because they must retrieve the information from facsimile machines and the like, although they do not have responsibility to carry out the security program. All such employees, however, are responsible for protecting the information from unauthorized disclosure.

Three commenters ask how agencies or persons, included within the scope of the proposed regulation, should respond to Freedom of Information Act (FOIA) or Open Records Act (ORA) requests for unclassified security information, in the event the proposed regulation is promulgated as written.

The requirement to make records available under the FOIA does not apply to matters that are specifically exempted from disclosure by statute (5 U.S.C. 552(b)(3)). Under 49 U.S.C. 40119, the information described in the rule is exempt by statute from disclosure. When the FAA receives requests under FOIA for SSI, the FAA will deny the information in accordance with § 191.3. As to requests for information under state and local freedom of information acts or open records acts, § 191.5(a) provides that requests for SSI be referred to the Administrator. The FAA works with the airports and air carriers to determine what records or portions of records should remain undisclosed, and what may be released.

Ten commenters state that the proposed regulation restricts, too severely, the disclosure of SSI. Three of these commenters object that the proposed language may prohibit disclosure of security information to a carrier president, outside counsel, consultant, or management personnel who do not personally perform or directly supervise security activities. Five commenters indicate that the carriers may be required to inform parties other than those with a need-to-know of certain security requirements or procedures. Such parties may include travel agents, passengers, contractors, and internal personnel who develop procedures to ensure effective passenger, cargo, and baggage processing for the air carrier.

The FAA believes that the definition of ''need-to-know'' as proposed would have provided for dissemination of information to travel agents, passengers, contractors, and internal personnel, when such dissemination is necessary to carry out security duties. The FAA agrees, however, that the proposed definition could have been read as more limiting than intended, as to some persons. Various high level officials must be apprised of the information, even though they may not personally carry out the security requirements. Further, persons who represent the air carriers and airport operators, such as attorneys and industry associations, may have a need-to-know, in order to be able to represent their clients. In order to avoid misunderstanding, the FAA is clarifying the definition of need-to-know in § 191.5(b) to read as follows: A person has a need-to-know sensitive security information when the information is necessary to carry out FAA-approved or directed aviation security duties; when the information is necessary to supervise or otherwise manage the individuals carrying out such duties; to advise the airport operator, air carrier, indirect air carrier, or foreign air carrier regarding the specific requirements of any FAA security related requirements; or to represent the airport operator, air carrier, indirect air carrier, or foreign air carrier, or person receiving information under § 191.3(d) in connection with any judicial or administrative proceeding regarding those requirements. For some specific information, the Administrator may specify which persons, or classes of persons, have a need-to-know.

Three commenters indicate that contractors who are bidding on a job inside the security identification display area (SIDA) need to know that the procedures are for ID applications and employment history checks in order to price their bids correctly. One of these commenters states that ''each person issued an airport identification badge has a need to know certain details of the Airport Security Program.''

The definition of ''need-to-know'' in § 191.5(b) includes the need for the information to carry out FAA approved or directed aviation security duties. When a contractor needs the procedures for ID applications and employment checks in order to comply with FAA rules and the airport security program, the contractor has a ''need-to-know'' within the meaning of the rule. Such releases of information must be limited only to the information needed to comply.

One commenter states that, in most international locations, air carriers do not provide their own security. According to this commenter, the security at international locations comes in the form of assistance provided by the host government. This commenter states that, in order to carry out some of the FAA-mandated security directives, some portion of those directives must be disclosed to the host government. In this commenter's opinion, the proposed draft acknowledges that the foreign government has a need-to-know in the case of a foreign air carrier, but not necessarily in connection with the overseas operation of a U.S. air carrier.

The FAA finds that the foreign government would also meet the need-to-know requirement in connection with the overseas operations of a U.S. air carrier. Procedures have already been established through FAA liaison personnel and the State Department to communicate necessary security information.

Two commenters state that many airport operators must supply monthly confiscated weapons reports or incident reports to other official bodies, sometimes for the purpose of prosecution at the local level. Another commenter notes that, local law enforcement or legislative requirements may require disclosure of certain security information to persons otherwise without a ''need-to-know'' as part of normal reporting requirements. This commenter requests coordination among industry and FAA personnel before the FAA designates information as ''sensitive.''

It appears that most confiscated weapons reports would not be SSI, if the airport operator is releasing the report. Section 191.7(h) makes such information SSI only as to release by the FAA. As to the release of other information to law enforcement officials, or in response to other legislative requirements, the airport operator should contact the FAA to discuss specific needs. Some of the information the commenter is concerned about may not be SSI under the rule. As to information that is SSI, the FAA may approve release to specific states and local officials with appropriate safeguards to prevent its dissemination to unauthorized persons.

One commenter indicates that, if sensitive information concerns a specific airport, persons having a need-to-know should include, at a minimum, the designated Airport Security Coordinator(s). This commenter also states that Coordinators should have the authority to disseminate such information themselves on a need-to-know basis among parties at the airport or within the same airport authority.

The FAA agrees with the commenter to the extent that the need-to-know requirements apply.

One commenter states that the proposed disclosure limitations may preclude carriers from seeking assistance form government agencies or other law enforcement authorities when faced with unusual security situations or threats.

It appears that, if the air carrier is seeking assistance to respond to security situations or threats, there is a need-to-know within the meaning of the rule. Of course, the agency or authority should be informed of the nature of the information and the need to not release it to unauthorized persons.

One commenter asks that proposed § 191.5(c) be modified to include whistle-blower protection for the entity that advises the FAA that a breach of security has occurred. This commenter observes that, ''without a safeguard, there will be a tendency for parties * * * not to advise the FAA (that a breach of security has occurred) in the hope that they would not be caught * * *.''

The primary purpose of § 191.5(c) is to permit the FAA to evaluate the release of information and determine whether there is a need to act to mitigate any vulnerability the release might have caused. The fact that a person self-discloses a failure to comply with the rule is given significant weight in determining what, if any, action should be taken as to that person. In the end, the choice of action involves the exercise of prosecutorial discretion, and will be considered in the context of policies involving enforcement in general.

Four commenters ask for modification of proposed § 191.5(d) to specify the FAA's criteria for adequate restriction of access to, or disclosure of, sensitive information; to clarify what changes might be recommended by the FAA to security procedures; and to state the actions that may be included in the phrase ''other enforcement or corrective action,'' including potential criminal prosecution.

As noted previously, the air carriers' and airport operators' responsibilities under the new rule are similar to their responsibilities under the current rules. Procedures that are appropriate under the current rules should be continued. and a similar level of protection should be used for other SSI.

It is not possible to list changes to security procedures that might be required after an unauthorized release of those procedures. It would depend on what information was released, the apparent security risk resulting from the release, and what other measures might be considered appropriate alternatives to those that were compromised. In addition, the FAA might consider requiring changes to the way SSI was handled or disseminated, if it was discovered that the air carrier or airport operator had inadequate procedures.

The types of possible action the FAA might take in response to a violation are set forth in the statute and FAA Order 2150.3A, compliance and Enforcement Program. These include such actions as counseling, corrective action, civil penalties. and certificate action (such as suspension or revocation of a certificate). In appropriate cases, the FAA may refer a matter to proper authorities for criminal prosecution.

Two commenters request modification of proposed § 191.7 to list, as completely as possible, the specific categories of information which fall within the meaning of the phrase SSI. These commenters state that such a list should include training programs and records of practice exercise as a category.

The entire training program of an air carrier is not normally SSI. However, the program contains SSI, such as specifications of test objects and security devices, and sensitive procedures. Under § 191.7, the portions of the training programs containing SSI must be protected, but the rest is not subject to this rule.

Similarly, training records are not normally considered SSI in themselves, because they normally do not contain SSI. They may simply indicate the dates that the screeners completed their training, for instance. Such records are a general means by which the FAA monitors industry compliance with specific requirements, and therefore would not require protection in accordance with § 191.7. However, there are occasions when information related to ''sensitive activities,'' such as practical exercise, which falls under the purview of)191.7(d), is included in training records. Under these circumstances, these particular training records would be subject to part 191 controls.

These two commenters also ask whether the airport boundary descriptions found in airport security plans are SSI, whether information that is readily available elsewhere become SSI by being included in an airport security plan, whether partial disclosures of information contained in an airport security plan might violate the proposed regulation, and if so, what the threshold of violation by partial disclosure might be.

Informaiton that is not in the security plan or otherwise listed in § 191.7 is not SSI under this rule. Because the airport boundary descriptions are readily available elsewhere, they can be released in the form that is available elsewhere without violating the new rule.

These commenters also suggest that the FAA reconsider the necessity of designating all threat information as sensitive. According to these commenters, it would be more efficient to draw a distinction between information regarding general trends in terrorist technology and possible responses, which is largely in the public domain and should not be subjected to extensive disclosure protection, and known, specific threats.

It is not clear to which portion of the rule the commenters are objecting. New § 191.7(i) (proposed as § 191.7(h)(1)) makes threat information SSI only as to release by the FAA, which means that the FAA may decline to release the information. That section does not require the airport operator or air carrier to protect the information. Airport operators and air carriers are required to protect threat information that may be a part of security program amendments, Security Directives, and Information Circulars, because they are protected under § 191.7 (a) and (b). It should also be noted that general trends in terrorist technology and possible responses often is non-public, and may even be Classified National Security Information.

Two commenters state that the FAA cost/benefit analysis is not correct. Of these, one commenter states that evidence does not exist to support the FAA's portrayal of the terrorist threat to civil aviation, as found in the section of the NPRM titled ''The Need To Protect Security Information.''

The FAA disagrees with this commenter. The information reflected in the ''Need To Protect Security Information'' section of the NPRM is based on a complete analysis of the best threat information available.

The other commenter in this group states that, if the proposed regulation is adopted, the air carriers will have to inform their employees of the new regulations and will also have to design

a more sophisticated tracking system in order to trace the dissemination of security information. Dollars will have to be spent to secure information in safes, locked rooms, and to purchase shredders and conduct audits. The commenters state that there is the potential cost to the carriers to investigate and respond to FAA allegations of noncompliance, which more often than not results in a civil penalty.

Again, the air carriers' and airport operators' responsibilities under the new rules are similar to their responsibilities under the current rules. Procedures that are appropriate under the current rules should be continued, and a similar level of protection should be used for all designated SSI.

One commenter indicates that the FAA has underestimated the proposed regulation's constitutional implications for restriction of freedom of speech.

The commenter does not provide an analysis as to how the Constitution protections of freedom of speech are violated. The FAA considers that restricting dissemination of the information described in the rule is necessary to protect the traveling public from persons who would seek to commit acts of criminal violence or aircraft piracy. The FAA has attempted to include as little information as is reasonably necessary to adequately protect the public.

The Rule As Adopted

Part 191

Part 191 sets forth the rules that allow the FAA to withhold information from public disclosure. This final rule amends and reorganizes part 191 as follows:

Section 191.1 is expanded to apply not only to the FAA, but also to air carriers, airport operators, indirect air carriers, foreign air carriers, and individuals. As discussed later in this document, parts 107, 108, 109, and 129 still would contain some requirements regarding the protection of information, but part 191 would be the primary rule for withholding information from unauthorized disclosure.

Section 191.1(a) is amended to conform to the current statute. In 1976, the FAA promulgated part 191 to implement the Air Transportation Act of 1974, Public Law 93–366. Section 316(d)(2) of the Federal Aviation Act of 1958, as amended, provided, in part, that the Administrator shall prescribe regulations to ''prohibit disclosure of any information obtained or developed in the conduct of research and development activities'' if the disclosure meets certain conditions. This section is a major basis for the current rules in part 191 on withholding information from unauthorized disclosure.

In 1990, section 316(d)(2) was amended to provide that the Administrator shall adopt rules to prohibit disclosure of ''any information obtained in the conduct of security *or* research and development activities. * * *'' Section 9121 of the Aviation Safety and Capacity Expansion Act of 1990 (Pub. L. 101–508) (emphasis added). In 1994 this section was recodified, and now appears at 49 U.S.C. 40119. This final rule amends § 191.1(a), to protect information obtained during the course of specified security activities. This final rule also removes from the title of part 191 reference to the 1974 Act, to avoid any implication that it is the only source of statutory authority for the part.

Section 191.1(b) now defines ''record,'' in part, as ''documentary'' material. This final rule removes the word ''documentary.'' It addresses all methods of preserving information, including computer records. This would avoid any misunderstanding over whether such records were ''documentary.''

Part 191 now refers to the ''Director of Civil Aviation Security'' as the official who makes the determination on behalf of the Administrator to withhold information. Under internal FAA reorganization, the current title of this position is Associate Administrator for Civil Aviation Security, however, 49 U.S.C. 44932 refers to this official as Assistant Administrator for Civil Aviation Security. Therefore, part 191, as adopted, used the title ''Assistant Administrator for Civil Aviation Security.'' In addition, the Deputy Assistant Administrator for Civil Aviation Security (currently called the Deputy Associate Administrator for Civil Aviation Security) and any individual formally designated to act in the capacity of the Assistant Administrator or the Deputy, now has the authority to make such determinations.

For decisions involving information and records described in § 191.7 (a) through (g), and related documents in (l), § 191.1(c) permits delegation below the Assistant Administrator level. The information that is described in § 191.7 (a) through (g) is well-defined, and decisions on release or withholding of the information involves relatively objective judgments.

Section 191.7 (h), (i), (j), (k), and related documents described in (l), require more subjective judgments. A decision to release or withhold information under these paragraphs requires a careful evaluation of the need to provide the highest level of security to the traveling public by preventing SSI from falling into the wrong hands, balanced by an awareness of the public's strong interest in obtaining information about security in air transportation. These decisions require a careful evaluation of security threats as well as important policies of the agency. Therefore, this rule requires that such decisions be made by high policy-level officials, and not below the Assistant Administrator and Deputy Assistant Administrator level. The Assistant Administrator is responsible for carrying out the agency's civil aviation security program, and reports directly to the Administrator.

Section 191.3 continues to state generally that the FAA withholds certain information, but has been clarified to state that part 191 applies, notwithstanding FOIA and other disclosure statutes. For example, the FAA may adopt certain security rules affecting air carriers and airports without disclosing the rules to unauthorized persons. Additionally, this rule will move the provisions that describe the circumstances under which the FAA prohibits disclosure of information from § 191.5 to § 191.3(b).

New § 191.3(d) is added to clarify how SSI is handled during enforcement actions. When the FAA initiates legal enforcement action in a matter involving security, if the alleged violator or his designated representative so requests, the Chief Counsel, or designee, may provide copies of portions of the enforcement investigative report (EIR), including SSI. This information may be released only to the alleged violator or designated representative for the sole purpose of providing the information necessary to prepare a response to the allegations contained in the legal enforcement action document. Such information is not released under the FOIA.

Whenever such documents are provided to an alleged violator or designated representative, the Chief Counsel or designee advises the alleged violator or designated representative that: (a) The documents are provided for the sole purpose of providing the information necessary to respond to the allegations contained in the legal enforcement action document; and (b) SSI contained in the documents provided must be maintained in a confidential manner to prevent compromising civil aviation security.

Section 191.5, as adopted, contains the requirements that apply to persons other than the FAA. Such persons

include air carriers, airport operators, indirect air carriers, foreign air carriers, and persons who receive SSI in connection with enforcement actions, and individuals employed by, or contracted by, air carriers, airport operators, indirect air carriers, foreign air carriers, and persons who receive SSI in enforcement actions. This section is intended to be very inclusive.

A difficult aspect of protecting SSI is that a large number of persons must be aware of at least portions of the information in order to carry out their duties including pilots, flight attendants, ticket agents, screeners, baggage handlers, and law enforcement officers. Frequently, some of these people are not direct employees of the air carrier or airport operator, but they do carry out duties for, or on behalf of, the air carrier or airport operator. For example, in many cases, screeners and law enforcement officers are not directly employed by air carriers or airport operators, but do have important security responsibilities to carry out. This section is intended to cover all such persons who have access to SSI. It should be emphasized, however, that airports and air carriers will continue to have the responsibility they now have to protect SSI. If SSI is released to unauthorized persons, depending upon the circumstances, the FAA may hold the airport or air carrier, as well as the individual accountable.

Section 191.5(a) states the general requirement that disclosure of, and access to, SSI shall be restricted to persons with a need-to-know. Section 191.5(b) defines need-to-know as when the information is necessary to carry out FAA-approved or directed aviation security duties; when the information is necessary to supervise or otherwise manage the individuals directly carrying out such duties; to advise the airport operator, air carrier, indirect air carrier, or foreign air carrier regarding the specific requirements of any FAA security related requirements; or to represent the airport operator, air carrier, indirect air carrier, or foreign air carrier, or person receiving information under § 191.3(d) in connection with any judicial or administrative proceeding regarding those requirements.

In most cases, the air carrier or airport operator has the discretion to decide who in its organization has a need to know SSI. There are times, however, when information is so sensitive that extra measures should be taken to protect that information from release to those without a need-to-know. The rule would, therefore, provide that for some specific information the Administrator may make a finding that only specific persons, or classes of persons, have a need-to-know.

Section 191.5(c) requires that, if sensitive security information is released to unauthorized persons, the FAA must be notified. This will permit the FAA to evaluate the risk presented by the release of the information, and to take whatever action may be needed to mitigate that risk.

Section 191.5(d) alerts persons that violations may result in a civil penalty or other action by the FAA. The FAA may take a broad range of enforcement action for violation of the regulations. The FAA anticipates that civil penalty action will be considered for a violation of part 191, as it is for violations of parts 107 and 108. However, the FAA may seek enforcement action deemed appropriate based on individual circumstances of the case. Further, the FAA may take action to mitigate or correct the risk posed by the violation. Such actions may include requiring air carriers or airport operators to change their procedures for protecting security information, or change the security procedures in place that may have been compromised by unauthorized release of the information.

New § 191.7 describes information that is protected from public disclosure. Some of this information is now specifically described in current § 191.3, and the rest the FAA now withholds based on findings under current § 191.5, in that disclosure of this information would be detrimental to the safety of persons traveling in air transportation or intrastate air transportation. These findings are set forth in written denials of FOIA requests for such information, and in declarations submitted to judges to seek protection of information in litigation cases. To better inform the public of the information prohibited from unauthorized release, this rule adds this information to new § 191.7.

The introductory text of § 191.7 provides that the specified information is SSI, ''except as otherwise provided in writing by the Administrator.'' This exception serves two functions. First, some SSI contains information that is released to the public, and the FAA may issue press releases and otherwise make this information available. Air carriers and others would not be expected to protect those details.

Second, the Administrator may release some other SSI to help achieve compliance with the security requirements. In rare circumstances the FAA has released summary information regarding air carriers' failures to fully carry out their security duties, which assisted in bringing them into compliance. In such cases, the FAA must determine whether security will be better served by maintaining the confidentiality of the information, or to release some portions of it to help achieve compliance with the security standards.

The introductory text of § 191.7 also refers to ''records containing such information'' as being SSI. This would include, for instance, interpretations that contain information on the contents of security programs and other SSI.

Section 191.7(a) retains the current requirements to protect any approved or standard security program for an air carrier, indirect air carrier, airport operator, or foreign air carrier. It also is clarified to protect any security program that relates to United States mail to be transported by air (including that of the United States Postal Service and of the Department of Defense). This rule expands this provision to include any comments, instructions, or implementing guidance pertaining to these security programs. Generally, these materials reveal some or all of the sensitive information and must be protected the same as the security programs themselves.

Section 191.7(b) is revised to include any comments, instructions, or implementing guidance pertaining to Security Directives and Information Circulars.

New § 191.7(c) lists any profile used in any security screening process, including persons, baggage, or cargo. Hijacker and baggage screening profiles were previously addressed in current § 191.3(b) (1) and (2). This rule now makes those profiles general to cover screening persons, because there are systems in place to protect against terrorists and others who might seek to commit criminal violence, not just hijackers. This rule addresses cargo profiles because, like baggage, cargo is a potential tool for criminal violence that the security rules cover.

Section 191.7(d) includes any security contingency plan or information and any comments, instructions, or implementing guidance pertaining thereto. These plans, when adopted, become part of the security program and are already covered by rules governing security programs; however, they are included in § 191.7 for emphasis.

This rule deletes the provisions currently in current § 191.3(b)(6), pertaining to the technical specifications for devices for protection against, or detection of, cargo theft. Such devices are not directly used to meet the requirements for civil aviation security under the FAA regulations. Any devices that serve a dual function of protecting cargo and security are

protected under other provisions in this section.

Section 191.7(e) covers the technical specifications of any device used for the detection of any ''deadly or dangerous weapon, explosive, incendiary, or destructive substance.'' It is essentially the same as the current § 191.3(b)(5) which used the words ''explosive or incendiary device or weapon,'' with the addition of the phrase ''destructive substance.'' That phrase is used in 49 U.S.C. 44902 in reference to searching persons and property to be carried aboard aircraft.

Section 191.7(f) addresses the descriptions of and technical specifications of objects used to test screening equipment and equipment parameters. Knowledge of this test equipment and parameters could lead to a plan to defeat those devices. Accordingly, details of such devices should be protected.

Section 191.7(g) addresses the technical specifications of any security communications equipment and procedures. Knowledge of security communication equipment and procedures could lead to a plan to defeat those devices. Accordingly, details of such devices should be protected.

Section 191.7(h) addresses release of certain information relating to violation of the security rules. Section 191.7(h) applies only to the release of information by the FAA. There is less risk of harm from casual disclosure of this information by individuals. The FAA, however, has information regarding the entire security system. Release of significant amounts of such information by the FAA could permit someone to attempt to identify weaknesses in the system that might be exploited.

The notice proposed in § 191.7(h)(2) to withhold the details of alleged violations of parts 107, 108, 109, or 129, including the airport name, the location of the gate or access point; the air carrier, indirect air carrier, or foreign air carrier, and any information that could reasonably lead to the disclosure of such details. After further consideration, the FAA has determined that this proposed policy was more restrictive than necessary. The rule as adopted makes a distinction between information based on the time since the incident occurred. In the first 12 months, there is the highest level of concern that information could be used to identify an apparent weakness that an unauthorized person may seek to exploit. After 12 months, there has been sufficient passage of time, including an opportunity to correct any deficiency in the system, to make that information less useful in identifying apparent weaknesses.

Section 191.7(h) as adopted provides generally for withholding any information that the Administrator has determined may reveal a systemic vulnerability of the aviation system or a vulnerability of aviation facilities to attack. This is defined to include certain details of inspections, investigations, and alleged violations and findings of violations of 14 CFR parts 107, 108, or 109, or §§ 129.25, 129.26, or 129.27, and any information that could lead to the disclosure of such details. For events that occurred less than 12 months before the date of the release of the information, the FAA will not release the name of an airport where a violation occurred, the regional identifier in the case number, a description of the violation, the regulation allegedly violated, and the identity of the air carrier in connection with specific locations or specific security procedures. The FAA may release summaries of an air carrier's total security violations in a specified time range without identifying specific violations. Summaries may include total enforcement actions, total proposed civil penalty amounts, total assessed civil penalty amounts, number of cases opened, number of cases referred by Civil Aviation Security to FAA counsel for legal enforcement action, and number of cases closed.

For events that occurred 12 months or more before the date of the release of the information, FAA will not release the specific gate or other location on an airport where the event occurred.

In addition, the FAA will not release the identity of the FAA special agent who conducted the investigation or inspection, or security information or data developed during FAA evaluations of the air carriers and airports and the implementation of the security programs, including air carrier and airport inspections and screening points tests or methods for evaluating such tests.

Section 191.7(i) (proposed as § 191.7(h)(1)) covers release by the FAA of information concerning threats against civil aviation. This paragraph specifically applies only to release of information by the FAA. However, threat information may also be contained in Security Directives, Information Circulars, or other documents that air carriers and others must protect under other provision of this section.

Section 191.7(j) further clarifies that the FAA does not release, and others should not release, certain details of security measures not otherwise listed in this section, such as information regarding Federal Air Marshals. Release of such information to unauthorized persons could not only compromise security, it could place Federal Air Marshals in danger.

Secton 191.7(k) includes any other information that the Administrator determines should not be disclosed under the criteria in § 191.3(b). While we have attempted to anticipate all sources of information that should be protected from unauthorized disclosure, additional information may be discovered in the future. This section allows the Administrator to determine whether that additional information should or should not be considered as SSI.

Section 191.7(1) includes any draft, proposed, or recommended changes to SSI or records. The FAA frequently issues proposed revisions for sensitive security documents to air carriers and airports operators and requests comments on the proposals. These proposals contain SSI that also should be protected.

Parts 107, 108, 109 and 129

This rule change also affects those specific sections of parts 107, 108, 109, and 129 which require airport operators, air carriers, indirect air carriers, and foreign air carriers to protect security information and direct requests for such information to the administrator as required in part 191.

All changes to parts 107, 108, 109, and 129 correspond to, and are redundant with, changes made to part 191 because airport operators, air carriers, and foreign air carriers refer to their specific parts of Title 14 CFR for security requirements. Including a cross-reference to part 191 in parts 107, 108, 109, and 129, alerts airport operators and air carriers to the new requirements, and makes it clear that part 191 is part of their security duties.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), there are not requirements for information collection associated with this final rule.

International Compatibility

The FAA has reviewed corresponding International Civil Aviation Organization international standards and recommended practices and Joint Aviation Airworthiness Authorities requirements and has identified no differences in these amendments and the foreign regulations.

Regulatory Evaluation Summary

Benefits and Costs

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic effect of regulatory changes on small entities. Third, the Office of Management and Budget directs agencies to assess the effect of regulatory changes on international trade. In conducting these analyses, the FAA has determined that this rule is not ''a significant regulatory action'' as defined in the Executive Order and the Department of Transportation Regulatory Policies and Procedures. This rule will not have a significant impact on a substantial number of small entities and will not constitute a barrier to international trade.

A detailed discussion of costs and benefits is contained in the full evaluation in the docket for this Final rule. The costs and benefits associated with this Final rule are summarized as follows.

Air carriers and airports have security programs which are intended to protect the public from the threat of aircraft hijacking and other criminal activities affecting air transportation. The FAA proposes to strengthen the rules protecting security-related information from being released to unauthorized persons. The current rules fail to require individuals to protect sensitive security information that is in their control, and specify all sensitive security information that should be protected from public disclosure.

The unauthorized disclosure of any of the information contained in these security programs can have a detrimental effect on the ability to thwart terrorist and other criminal activities. This final rule will amend parts 107, 108, 109, and 129 to restrict the distribution, disclosure, and availability of specific sensitive security information, which will be defined in part 191, to persons with a need-to-know.

Because this fine rule will not be included in the airport or the air carrier security programs, and because there are no specific requirements for safes, locked files, or enhanced security equipment, affected entities will not incur any costs to implement these proposed requirements.

Much of the air carrier and airport security program effectiveness depends on strictly limiting access to sensitive security information to those persons who have a need to know. Sophisticated criminal elements are actively seeking ways to obtain information regarding the methods and procedures used by the FAA, air carriers, and airports to guard against terrorist activities. The accumulation of seemingly minor security details can enable the criminal element to piece together a larger picture of the entire security program. Therefore, it is imperative that the entire security program be protected.

The consequences of not protecting such information can be catastrophic. Between 1982 and 1991, terrorist bombings of U.S. air carriers have resulted in 275 deaths and 24 injuries, while hijackings incidents have resulted in 24 deaths and 127 injuries.

Given the absence of cost and the potential benefits of avoided fatalities and injuries, this final rule is cost beneficial.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily burdened by government regulations. The RFA requires agencies to review rules that may have a ''significant economic impact on a substantial number of small entities.'' FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold costs and small entity size standards for complying with RFA requirements. There is no cost associated with this rule; therefore, it does not have a significant economic impact on a substantial number of small entities.

International Trade Impact Statement

In accordance with the Office of Management and Budget memorandum dated March 1983, federal agencies engaged in rulemaking activities are required to assess the effects of regulatory changes on international trade. The FAA finds that this rule will not have an adverse impact on trade opportunities for either U.S. firms doing business overseas or foreign firms doing business in the United States. This rule will impose no costs on both domestic and foreign air carriers, so neither would have a trade advantage over the other.

Federalism Implications

This rule will not have a substantial direct effect 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 rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Conclusion

For the reasons discussed above, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Statement, the FAA certifies that this regulation 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. This rule is not considered a ''significant regulatory action'' under Executive Order 12866 and is considered nonsignificant under Order DOT 2100.5, Policies and Procedures for Simplification, Analysis, and Review of Regulations. A regulatory evaluation of the rule, including a Regulatory Flexibility Determination and international Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contracting the person identified under **FOR FURTHER INFORMATION CONTACT.**

List of Subjects

14 CFR Part 107

Airports, Arms and munitions, Law enforcement officers, Reporting and recordkeeping requirements, Security measures.

14 CFR Part 108

Air carriers, Aircraft, Airmen, Airports, Arms and munitions, Explosives, Law enforcement officers, Reporting and recordkeeping requirements, Security measures, X-rays.

14 CFR Part 109

Air carriers, Aircraft, Freight forwarders, Security measures.

14 CFR Part 129

Air carriers, Aircraft, Aviation safety, Reporting and recordkeeping requirements, Security measures, Smoking.

14 CFR Part 191

Air transportation, Security measures.

The Amendment

Accordingly, the Federal Aviation Administration amends parts 107, 108, 109, 129, and 191 of Title 14, Code of Federal Regulations (14 CFR parts 107, 108, 109, 129, and 191) as follows:

PART 107—AIRPORT SECURITY

1. The authority citation for part 107 continues to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 44706, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105.

2. Section 107.3 is amended by revising paragraph (e) to read as follows:

§ 107.3 Security program.

* * * * *

(e) Each airport operator shall—

(1) Restrict the distribution, disclosure, and availability of sensitive security information, as defined in part 191 of this chapter, to persons with a need-to-know; and

(2) Refer requests for security sensitive information by other persons to the Assistant Administrator for Civil Aviation Security.

PART 108—AIRPLANE OPERATOR SECURITY

3. The authority citation for part 108 continues to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 44705, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105.

4. Section 108.7 is amended by revising paragraphs (c)(4) and (c)(5) to read as follows:

§ 108.7 Security program: Form, content, and availability.

* * * * *

(c) * * *

(4) Restrict the distribution, disclosure, and availability of sensitive security information, as defined in part 191 of this chapter, to persons with a need-to-know; and

(5) Refer requests for sensitive security information by other persons to the Assistant Administrator for Civil Aviation Security.

PART 109—INDIRECT AIR CARRIER SECURITY

5. The authority citation for part 109 continues to read as follows:

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 44705, 44901–44905, 44907, 44913–44914, 44932, 44935–44936, 46105.

6. Section 109.3 is amended by revising paragraph (c) to read as follows:

§ 109.3 Security program.

* * * * *

(c) Each indirect air carrier shall—

(1) Restrict the distribution, disclosure, and availability of sensitive security information, as defined in part 191 of this chapter, to persons with a need-to-know; and

(2) Refer requests for sensitive security information by other persons to the Assistant Administrator for Civil Aviation Security.

PART 129—OPERATIONS: FOREIGN AIR CARRIERS AND FOREIGN OPERATORS OF U.S.-REGISTERED AIRCRAFT ENGAGED IN COMMON CARRIAGE

7. The authority citation for part 129 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40104–40105, 40113, 40119, 44701–44702, 44712, 44716–44717, 44722, 44901–44904, and 44906.

8. Part 129 is amended by adding a new § 129.31 to read as follows:

§ 129.31 Airplane security.

Each foreign air carrier required to adopt and use a security program under § 129.25(b) shall—

(a) Restrict the distribution, disclosure, and availability of sensitive security information, as defined in part 191 of this chapter, to persons with a need-to-know; and

(b) Refer requests for sensitive security information by other persons to the Assistant Administrator for Civil Aviation Security.

9. Part 191 is revised to read as follows:

PART 191—PROTECTION OF SENSITIVE SECURITY INFORMATION

Sec.

Authority: 49 U.S.C. 106(g), 5103, 40113, 40119, 44701–44702, 44705–44706, 44901–44907, 44913–44914, 44932, 44935–44936, 46105.

§ 191.1 Applicability and definitions.

(a) This part governs the release, by the Federal Aviation Administration and by other persons, of records and information that has been obtained or developed during security activities or research and development activities.

(b) For purposes of this part, *record* includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved.

(c) The authority of the Administrator under this part is also exercised by the Assistant Administrator for Civil Aviation Security and the Deputy Assistant Administrator for Civil Aviation Security, and any other individual formally designated to act in their capacity. For matters involving the release or withholding of information and records containing information described in § 191.7 (a) through (g), and related documents described in (l), the authority may be further delegated. For matters involving the release or withholding of information and records containing information described in § 191.7 (h) through (k), and related documents described in (l), the authority may not be further delegated.

§ 191.3 Records and information withheld by the Federal Aviation Administration.

(a) Except as provided in § 191.3 (c) and (d), and notwithstanding 5 U.S.C. 552 or other laws, the records and information described in §§ 191.7 and 191.3(b) are not available for public inspection or copying, nor is information contained in those records released to the public.

(b) The Administrator prohibits disclosure of information developed in the conduct of security or research and development activities under 49 U.S.C. 40119 if, in the opinion of the Administrator, the disclosure of such information would:

(1) Constitute an unwarranted invasion of privacy (including, but not limited to, information contained in any personnel, medical, or similar file);

(2) Reveal trade secrets or privileged or confidential information obtained from any person; or

(3) Be detrimental to the safety of persons traveling in air transportation.

(c) If a record contains information that the Administrator determines cannot be disclosed under this part, but also contains information that can be disclosed, the latter information, on proper Freedom of Information Act request, will be provided for public inspection and copying.

However, if it is impractical to redact the requested information from the document, the entire document will be withheld from public disclosure.

(d) After initiation of legal enforcement action, if the alleged violator or designated representative so requests, the Chief Counsel, or designee, may provide copies of portions of the enforcement investigative report (EIR), including sensitive security information. This information may be released only to the alleged violator or designated representative for the sole purpose of providing the information necessary to prepare a response to the allegations contained in the legal enforcement action document. Such information is not released under the Freedom of Information Act. Whenever such documents are provided to an alleged violator or designated representative, the Chief Counsel or designee advises the alleged violator or designed representative that—

(1) The documents are provided for the sole purpose of providing the information necessary to respond to the allegations contained in the legal enforcement action document; and

(2) Sensitive security information contained in the documents provided must be maintained in a confidential manner to prevent compromising civil aviation security, as provided in § 191.5 of this part.

§ 191.5 Records and information protected by others.

(a) Each airport operator, air carrier, indirect air carrier, foreign air carrier, and person receiving information under § 191.3(d) of this part; and each individual employed by, contracted to, or acting for an airport operator, air carrier, indirect air carrier, or foreign air carrier; and each person receiving information under § 191.3(d) of this part, shall restrict disclosure of and access to sensitive security information described in § 191.7 (a) through (g), (j), (k), and as applicable (l), to persons with a need-to-know, and shall refer requests by other persons for such information to the Administrator.

(b) A person has a need-to-know sensitive security information when the information is necessary to carry out FAA-approved or directed aviation security duties; when the information is necessary to supervise or otherwise manage the individuals carrying out such duties; to advise the airport operator, air carrier, indirect air carrier, or foreign air carrier regarding the specific requirements of any FAA security related requirements; or to represent the airport operator, air carrier, indirect air carrier, foreign air carrier, or person receiving information under § 191.3(d) of this part, in connection with any judicial or administrative proceeding regarding those requirements. For some specific information the Administrator may make a finding that only specific persons, or classes of persons, have a need-to-know.

(c) When sensitive security information is released to unauthorized persons, any air carrier, airport operator, indirect air carrier, foreign air carrier, or individual with knowledge of the release shall inform the Administrator.

(d) Violation of this section is grounds for a civil penalty and other enforcement or corrective action by the FAA.

§ 191.7 Sensitive security information.

Except as otherwise provided in writing by the Administrator as necessary in the interest of safety of persons traveling in air transportation, the following information and records containing such information constitute sensitive security information:

(a) Any approved or standard security program for an air carrier, foreign air carrier, indirect air carrier, or airport operator, and any security program that relates to United States mail to be transported by air (including that of the United States Postal Service and of the Department of Defense); and any comments, instructions, or implementing guidance pertaining thereto.

(b) Security Directives, Information Circulars, and any comments, instructions, or implementing guidance pertaining thereto.

(c) Any profile used in any security screening process, including for persons, baggage, or cargo.

(d) Any security contingency plan or information and any comments, instructions, or implementing guidance pertaining thereto.

(e) Technical specifications of any device used for the detection of any deadly or dangerous weapon, explosive, incendiary, or destructive substance.

(f) A description of, or technical specifications of, objects used to test screening equipment and equipment parameters.

(g) Technical specifications of any security communications equipment and procedures.

(h) As to release of information by the Administrator: Any information that the Administrator has determined may reveal a systemic vulnerability of the aviation system, or a vulnerability of aviation facilities, to attack. This includes, but is not limited to, details of inspections, investigations, and alleged violations and findings of violations parts 107, 108, or 109, or § 129.25, 129.26, of § 129.27 of this chapter, and any information that could lead the disclosure of such details, as follows:

(1) As to events that occurred less than 12 months before the date of the release of the information, the following are not released: the name of an airport where a violation occurred, the regional identifier in the case number, a description of the violation, the regulation allegedly violated, and the identity of the air carrier in connection with specific locations or specific security procedures. The FAA may release summaries of an air carrier's total security violations in a specified time range without identifying specific violations. Summaries may include total enforcement actions, total proposed civil penalty amounts, total assessed civil penalty amounts, number of cases opened, number of cases referred by Civil Aviation Security to FAA counsel for legal enforcement action, and number of cases closed.

(2) As to events that occurred 12 months or more before the date of the release of information, the specific gate or other location on an airport where an event occurred is not released.

(3) The identity of the FAA special agent who conducted the investigation or inspection.

(4) Security information or data developed during FAA evaluations of the air carriers and airports and the implementation of the security programs, including air carrier and airport inspections and screening point tests or methods for evaluating such tests.

(i) As to release of information by the FAA: Information concerning threats against civil aviation.

(j) Specific details of aviation security measures whether applied directly by the FAA or regulated parties. This includes, but is not limited to, information concerning specific numbers of Federal Air Marshals, deployments or missions, and the methods involved in such operations.

(k) Any other information, the disclosure of which the Administrator has prohibited under the criteria of 49 U.S.C. 40119.

(l) Any draft, proposed, or recommended change to the information and records identified in this paragraph.

Issued in Washington, DC on March 13, 1997.

Barry Valentine,

Acting Administrator.

[FR Doc. 97–6948 Filed 3–20–97; 8:45 am]

BILLING CODE 4910–13–M

Friday
March 21, 1997

Part III

Environmental Protection Agency

40 CFR Part 71

Federal Operating Permits Program; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 71

[FRL–5800–3]

RIN 2060–AG90

Federal Operating Permits Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of opportunity for public hearing.

SUMMARY: The EPA is proposing a new approach for issuing Federal operating permits to covered stationary sources in Indian country, pursuant to title V of the Clean Air Act as amended in 1990 (Act). Consistent with EPA's Indian Policy, the Agency will protect air quality by administering a Federal operating permits program in areas lacking an EPA-approved or adequately administered Tribal operating permits program. Implementation of today's proposal would benefit the environment by assuring that the benefits of title V, such as increased compliance and resulting decreases in emissions, would extend to every part of Indian country.

DATES: *Comments.* Comments on the proposed regulations must be received by EPA's Air Docket on or before May 5, 1997.

Public Hearing. A public hearing is scheduled for 10:00 a.m., on April 21, 1997, at the address listed under **ADDRESSES.** Requests to present oral testimony must be received by April 7, 1997, and the hearing may be canceled if no speakers have requested time to present their comments by that date. Written comments in lieu of, or in addition to, testimony are encouraged.

ADDRESSES: *Comments.* Comments should be mailed (in duplicate if possible) to: EPA Air Docket (Mail Code 6102), Attention: Docket Number A–93–51, Room M–1500, Waterside Mall, 401 M Street, SW, Washington, DC 20460.

Public Hearing. The public hearing will be held in the Waterside Mall auditorium at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460.

Persons interested in attending the hearing or wishing to present oral testimony should contact Ms. Pat Finch in writing at the U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Mail Drop 12, Research Triangle Park, North Carolina 27711.

Docket. Supporting information used in developing the proposed rule is contained in Docket Number A–93–51. The docket is available for public inspection and copying between 8:30 a.m. and 3:30 p.m. Monday through Friday, at EPA's Air Docket, Room M–1500, Waterside Mall, 401 M Street, SW, Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Candace Carraway (telephone 919–541–3189), U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Information Transfer and Program Integration Division, Mail Drop 12, Research Triangle Park, North Carolina 27711.

SUPPLEMENTARY INFORMATION:

Comments. The EPA is unlikely to be able to extend the public comment period. Two paper copies of each set of comments are requested. If possible, comments should be sent in both paper and computerized form. Comments generated on computer should be sent on an IBM-compatible diskette and clearly labeled. Computer files created with the WordPerfect 5.1 software package should be sent as is. Files created on other software packages should be saved in an ''unformatted'' mode for easy retrieval into WordPerfect. Comments should refer to specific page numbers of today's proposal whenever possible.

Regulated entities. Entities potentially regulated by this proposed action are sources (1) That are located in Indian country; and (2) that are major sources, affected sources under title IV of the Act (acid rain sources), solid waste incineration units required to obtain a permit under section 129 of the Act, and those area sources subject to a standard under section 111 or 112 of the Act which have not been exempted or deferred from title V permitting requirements. Regulated categories and entities include:

Category	Examples of regulated entities
Industry located in Indian country	Major sources under title I or section 112 of the Act; affected sources under title IV of the Act (acid rain sources); solid waste incineration units required to obtain a permit under section 129 of the Act; area sources subject to standards under section 111 or 112 of the Act that are not exempted or deferred from permitting requirements under title V.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this proposed action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your facility is regulated by this action, you should carefully examine the applicability criteria in § 71.3(a) of the rule, the definition of ''Indian country'' in § 71.2 of the rule, and § 71.4 of the rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section or the EPA Regional Office that is administering the part 71 permit program for the State or area in which the relevant source or facility is located.

Outline. The contents of today's preamble are listed in the following outline:

I. Background and Purpose

Title V of the Act as amended in 1990 (42 U.S.C. 7661 *et seq.*) requires that EPA develop regulations that set minimum standards for State operating permits programs. Those regulations, codified in part 70 of chapter I of title 40 of the Code of Federal Regulations, were originally promulgated on July 21, 1992 (57 FR 32250). Title V also requires that EPA promulgate, administer, and enforce a Federal operating permits program when a State has defaulted on its obligation to submit an approvable program within the timeframe set by title V or on its obligation to adequately administer and enforce an EPA-approved program. On April 27, 1995, EPA proposed regulations (60 FR 20804) (hereinafter ''1995 proposal'') setting forth the procedures and terms under which the Agency will administer a Federal

operating permit program in a State or in areas over which States do not have jurisdiction. The final rule was published on July 1, 1996 (61 FR 34202) and will be codified at 40 CFR part 71. The regulations authorize EPA to issue permits when a State, local, or Tribal agency has not developed, administered, or enforced an acceptable permits program or has not issued permits that comply with the applicable requirements of the Act.

Indian Tribes are not required to develop operating permits programs, though EPA encourages Tribes to do so. The EPA expects that most Tribes will not develop title V operating permit programs, in part due to the resources required to develop a program and in part because for some Tribes it will not be practicable to develop a permits program for relatively few sources. Within Indian country, EPA believes it is appropriate that EPA promulgate, administer, and enforce a part 71 Federal operating permits program for stationary sources until Tribes receive approval to administer their own operating permits programs.

In the 1995 proposal, EPA stated its intention to implement part 71 programs to ensure coverage of Tribal areas which EPA proposed to define as ''those lands over which an Indian Tribe has authority under the Clean Air Act to regulate air quality.'' The final part 71 rule did not include provisions relating to the boundaries of part 71 programs in Tribal areas, pending resolution of jurisdictional issues involving Tribes and States that were raised in a proposed rule that specified provisions of the Act for which EPA believes it is appropriate to treat Indian Tribes in the same manner as States, pursuant to section 301(d)(2). See 59 FR 43956 (August 25, 1994) (''Indian Tribes: Air Quality Planning and Management,'' hereinafter ''proposed Tribal authority rule'').

The EPA now believes that the 1995 proposal's definition of ''Tribal area,'' that is to say, the Indian lands where EPA would exercise authority to implement a Federal permit program, was inappropriate. The proposal was based on the interpretation of Tribal jurisdiction under the Act in the proposed Tribal authority rule. The approach of the 1995 proposal would have required Tribes to establish their jurisdiction over an area before EPA could implement a Federal program for the area. While in many cases this would not present a problem, EPA believes it is more consistent with the Act that EPA administer part 71 programs for all areas of Indian country without requiring any jurisdictional showing on the part of the Tribe. Furthermore, in proposing that EPA implement part 71 throughout Indian country, today's notice is consistent with the Agency's Indian Policy, which provides that EPA generally will administer environmental programs on reservation lands until a Tribe assumes regulatory responsibility. See, e.g., EPA's 1984 Policy for the Administration of Environmental Programs on Indian Reservations, reaffirmed by EPA Administrator Browner in 1994.

II. Proposal Summary

The EPA's approach for issuing operating permits in Tribal areas outlined in the April 1995 proposal was modeled on the jurisdictional provisions of the proposed Tribal authority rule. In the proposed Tribal authority rule, EPA proposed to interpret the Act as granting to Tribes, that are approved by EPA to administer programs under the Act in the same manner as States, authority over all air resources within the exterior boundaries of an Indian reservation. This would enable Tribal-approved programs under the Act to address conduct on all lands, including non-Indian owned fee lands, within the exterior boundaries of a reservation. The proposed Tribal authority rule would also authorize an eligible Tribe to develop and implement programs under the Act for off-reservation lands that are determined to be within a Tribe's own authority to regulate under relevant principles of Federal Indian law, generally up to the limits of Indian country, as defined at 18 U.S.C. 1151. The rationale for this proposed interpretation of Tribal jurisdiction to administer programs under the Act is set out in detail in the proposed Tribal authority rule. See 59 FR 43956, 43958–43961 (August 25, 1994).

In the 1995 proposal, EPA noted that when EPA is acting in the place of a Tribe under the Act, pursuant to Federal implementation authority, the responsibilities that would otherwise fall to the Tribe would accrue instead to EPA. Thus, under the 1995 proposal, EPA would have authority to implement a part 71 program for any lands within the exterior boundaries of a reservation and for any off-reservation land over which a Tribe has demonstrated its own authority under Federal Indian law. Today's notice makes it clear that EPA's implementation of part 71 programs in Indian country is based on EPA's overarching authority to protect air quality within Indian country, not solely on its authority to act in the stead of an Indian Tribe.

The 1995 proposal used the term ''Tribal area'' to refer to the areas over which Tribes and EPA had jurisdiction. One of the commenters on the 1995 proposal recommended that the definition of ''Tribal area'' encompass Indian country, as defined in 18 U.S.C. 1151, noting that this term is used in the context of several other EPA environmental programs. As provided in 18 U.S.C. 1151:

> [T]he term ''Indian country,'' as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Although a detailed analysis of the cases that have interpreted this definition is beyond the scope of this notice, it should be noted that the definition of Indian country would encompass the land referred to in the 1995 proposal as ''Tribal area,'' but would not require a jurisdictional showing on the part of the Tribe. Indian country includes all of the territory within an Indian reservation (even land owned by non-Indians) and incorporates ''dependent Indian communities'' and allotments held in trust regardless of whether they are located within a recognized reservation.

Based on recent Supreme Court case law, EPA has construed the term ''reservation'' to incorporate trust land that has been validly set apart for use by a Tribe, even though that land has not been formally designated as a ''reservation.'' See 56 FR at 64881 (December 12, 1991); see also *Oklahoma Tax Commission* v. *Citizen Band Potawatomi Indian Tribe of Oklahoma,* 111 S.Ct. 905, 910 (1991). The EPA will be guided by relevant case law in interpreting the scope of ''reservation'' under the Act.

The 1995 proposal was designed to authorize EPA to directly implement an operating permits program where there was a void in program coverage, thus assuring program coverage coast to coast. However, the proposal inadvertently created a potential void in coverage, in that it would authorize EPA to administer an operating permits program only where the Tribe had made a jurisdictional showing. This raised the possibility that neither EPA, the Tribe, nor the State would be implementing an

operating permits program in a given geographic area. The EPA believes that to avoid this result, EPA should exercise its authority throughout Indian country. Thus, consistent with the Agency's Indian Policy, EPA will administer title V programs within Indian country unless a part 70 program has been given full or interim approval. In addition, EPA believes there is no reason to impose on Tribes the burden of making a jurisdictional showing prior to EPA administering a Federal program. The EPA solicits comment on this approach to describing its exercise of authority to issue operating permits under the Federal operating permits program.

III. Federal Authority to Implement Title V in Indian Country

Today, EPA is proposing to implement the Federal title V operating permit program throughout Indian country. As discussed in the proposed Tribal authority rule, EPA is authorized to protect air quality by directly implementing provisions of the Act throughout Indian country (59 FR 43956, 43958–43960 (August 25, 1994)). The EPA's authority is based in part on the general purpose of the Act, which is national in scope. As stated in section 101(b)(1) of the Act, Congress intended to ''protect and enhance the quality of the *Nation's* air resources so as to promote the *public* health and welfare and the productive capacity of its *population*'' (emphasis added). It is clear that Congress intended for the Act to be a ''general statute applying to all persons to include Indians and their property interests.'' See *Phillips Petroleum Co.* v. *United States EPA,* 803 F.2d 545, 553–558 (10th Cir. 1986) (holding that the Safe Drinking Water Act applied to Indian Tribes and lands by virtue of being a nationally applicable statute).

Section 301(a) of the Act delegates to EPA broad authority to issue such regulations as are necessary to carry out the functions of the Act. Further, several provisions of the Act call for Federal issuance of a program where, for example, a State fails to adopt a program, adopts an inadequate program, or fails to adequately implement a required program. See, e.g., sections 110(c) and 502 (d), (e), (i) of the Act. It follows that Congress intended that EPA would similarly have broad legal authority in instances when Tribes choose not to develop a program, fail to adopt an adequate program, or fail to adequately implement an air program authorized under section 301(d). In addition, section 301(d)(4) of the Act empowers the Administrator to directly administer Act requirements so as to achieve the appropriate purpose, where Tribal implementation of those requirements is inappropriate or administratively infeasible. These provisions of the Act evince Congressional intent to authorize EPA to directly implement programs under the Act in Indian country until Tribes submit approvable programs. [1]

The EPA believes that under the Act, Congress intended to allow eligible Tribes to implement programs under the Act generally up to the limits of Indian country and to authorize EPA to implement the Act in Indian country where a Tribe does not have an approved program. The Act authorizes EPA to treat a Tribe in the same manner as a State for the regulation of ''air resources *within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction*'' (section 301(d)(2)(B) (emphasis added)). The EPA believes that this statutory provision, viewed within the overall framework of the Act, reflects a territorial view of Tribal jurisdiction and authorizes a Tribal role for all air resources within the exterior boundaries of Indian reservations without distinguishing among various categories of on-reservation land. In the proposed Tribal authority rule, EPA stated its proposed interpretation that the Act grants to Tribes approved by EPA to administer programs under the Act in the same manner as States authority over all air resources within the exterior boundaries of a reservation for such programs (59 FR at 43958). In addition, based on section 301(d)(2)(B) of the Act, EPA proposed that a Tribe may also be able to implement its air quality programs on off-reservation lands which are within its jurisdiction under Federal Indian law, generally up to the limits of ''Indian country,'' as defined in 18 U.S.C. 1151; id. at 43960.

The EPA is proposing to interpret the Act as generally authorizing EPA to implement the title V program even in areas of Indian country where a State previously may have been able to demonstrate jurisdiction. However, the EPA will not administer and enforce a part 71 program in Indian country when an operating permits program for the area which meets the requirements of part 70 of this chapter has been granted full or interim approval unless such approval is later withdrawn. The EPA believes that the provisions of the Act discussed above evince a Congressional preference that implementation of the Act in Indian country be carried out by either EPA or the Tribes. Even where a State has asserted jurisdiction over an area located in Indian country under color of a statement of general authorization in another Federal statute, the Act would nonetheless generally authorize EPA to implement a title V program in such areas. See *Adkins* v. *Arnold,* 235 U.S. 417, 420; 59 L. Ed. 294, 295; 35 S. Ct. 118 (1914) (noting that ''later in time'' statutes should take precedence).

Today's notice is consistent with long-standing EPA policy that the Agency will administer environmental programs in Indian country until a Tribe assumes regulatory responsibility. See, e.g., EPA's 1984 Policy for the Administration of Environmental Programs on Indian Reservations, reaffirmed by EPA Administrator Browner in 1994.

Where there is a dispute as to whether a particular area is Indian country, EPA will run the title V program in that area until the dispute is satisfactorily resolved. A Tribal or State government that wishes to dispute whether an area is or is not within Indian country should submit to the appropriate Regional Administrator sufficient information that demonstrates to EPA's satisfaction that there is a dispute. The EPA solicits comment on this approach.

IV. Proposed Changes to Regulatory Language

The EPA today proposes to add a definition of the term ''Indian country'' based on the term as defined in 18 U.S.C. 1151. The EPA notes that although the definition of Indian country appears in a criminal code, it has been extended to civil judicial and regulatory jurisdiction (*DeCoteau* v. *District County Court,* 420 U.S. 425, 427 n. 2 (1975); 40 CFR 144.3).

In addition, EPA proposes to delete the definition of ''Tribal area'' because EPA believes it is more consistent with other environmental regulations to define EPA's jurisdiction in terms of ''Indian country.'' The use of both terms may create confusion as well. Accordingly, EPA proposes to revise several regulatory provisions that include the term ''Tribal area,'' including the definition of ''affected State'' in § 71.1, § 71.4(a), § 71.4(b), § 71.4(b)(2) through (b)(4), § 71.4(f), § 71.4(h)–(j), § 71.8(a), and § 71.8(d).

In addition, EPA proposes several regulatory changes that result from the new approach that are different than the 1995 proposal. Briefly summarized, these changes include the following. First, proposed § 71.4(b)(1) that referred to Tribal assertion of jurisdiction would

[1] The EPA's interpretation of section 301(d) is also supported by the legislative history—S. Rep.101–228 (December 20, 1989), page 80 (noting that section 301(d) of the Act authorizes EPA to implement Act provisions throughout ''Indian country'' where there is no tribal program).

not be finalized and would be deleted in its entirety since a Tribe's assertion of jurisdiction is not a relevant consideration under today's proposal. Instead, proposed § 71.4(b) would establish EPA's authority to administer the part 71 program within Indian country irrespective of whether the Tribe established its jurisdiction over the area. Second, consistent with the Agency's policy with respect to administering environmental programs in Indian country, EPA would not solicit comment on the boundaries of the program through a rulemaking. See, e.g., 40 CFR 144.3, 147.60(a) (EPA administers Underground Injection Control program on ''Indian lands,'' defined equivalent to ''Indian country.'' Rather, disputes over whether a specific source was subject to the part 71 program would be resolved in the context of permitting the source. Therefore, provisions from the April 1995 proposal that would have required EPA to notify appropriate governmental entities of the proposed geographic boundaries of the program are inappropriate and will be withdrawn. The EPA solicits comments on this approach.

The EPA believes that most sources in Indian country are located within reservation boundaries and that these sources should not find it difficult to determine that they are subject to the part 71 program. The Agency will rely on boundaries as determined by the Bureau of Indian Affairs which will provide maps of reservations upon request. The EPA recognizes that some sources may be uncertain as to whether they are located within Indian country. Sources that are unsure of whether they are located in Indian country should consult the appropriate EPA Regional office. Prior to the effective date of the part 71 program in Indian country, the EPA will undertake outreach efforts to notify sources that they are subject to the program, in much the same way as States have notified sources that they believed were subject to the part 70 program. However, EPA may fail to identify some sources within Indian country. Even as to those sources, EPA reiterates that it is the source's responsibility to ascertain whether or not it is subject to the part 71 program.

The Agency will publish in the **Federal Register** a notice of the effective date of the part 71 program in Indian country as required by § 71.4(g), even where the default effective date of November 15, 1997 has not been changed for a given area within Indian country. The Agency solicits comments on what additional information this notice should contain that would be helpful to sources.

The EPA solicits comments on whether EPA should take additional steps to provide notice to sources that they are located in Indian country and, if so, what those steps would be. At this time, the Agency does not believe there is value in publishing maps and boundaries of reservations because the Agency will rely on the boundaries recognized by the Bureau of Indian Affairs which are available upon request from that Agency.

In addition, EPA is adding language to clarify § 71.4(b). The EPA intended that this section would not only authorize early implementation of the part 71 program (in advance of the November 15, 1997 default effective date for the program), but would also clarify that EPA will administer the program unless a part 70 program has been given full or interim approval. Given that the 1995 proposed language is less than clear on this point, the current proposal at section 71.4 explains that EPA will administer the program in Indian country.

V. Administrative Requirements

A. Docket

The docket for this regulatory action is A–93–51. All the documents referenced in this preamble fall into one of two categories. They are either reference materials that are considered to be generally available to the public, or they are memoranda and reports prepared specifically for this rulemaking. Both types of documents can be found in Docket Number A–93–51.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735 (October 4, 1993)), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant'' regulatory action as one that is likely to lead to a rule that may:

(1) Have an annual effect on the economy of $100 million or more, adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities;

(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 program or the rights and obligation of recipients thereof;

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.''

Pursuant to the terms of Executive Order 12866, it has been determined that this proposed rule is not a ''significant'' regulatory action because it does not raise any of the issues associated with ''significant'' regulatory actions. The proposal would have a negligible effect on the economy and would not create any inconsistencies with other actions by other agencies, alter any budgetary impacts, or raise any novel legal or policy issues. This proposal would affect EPA's approach to permitting sources in Indian country, assuring that all title V sources located in Indian country will be subject to title V permitting requirements. For these reasons, this action was not submitted to OMB for review.

C. Regulatory Flexibility Act Compliance

The Regulatory Flexibility Act (5 U.S.C. 601) requires EPA to consider potential impacts of proposed regulations on small entities. If a preliminary analysis indicates that a proposed regulation would have a significant adverse economic impact on a substantial number of small entities, then a regulatory flexibility analysis must be prepared.

The original part 70 rule and the recently proposed revisions to part 70 were determined to not have a significant adverse impact on a substantial number of small entities. See 57 FR 32250, 32294 (July 21, 1992), and 60 FR 45530, 45563 (August 31, 1995). Similarly, a regulatory flexibility screening analysis of the part 71 rule revealed that the rule would not have a significant adverse impact on a substantial number of small entities, since few small entities would be subject to part 71 permitting requirements as a result of the rule's deferral of the requirement to obtain a permit for nonmajor sources. See 61 FR 34202, 34227 (July 1, 1996).

The prior screening analyses for the part 70 and part 71 rule was done on a nationwide basis without regard to whether sources were located within Indian country and are, therefore, applicable to sources in Indian country. Accordingly, EPA believes that the screening analyses are valid for purposes of today's proposal. And since the screening analyses for the prior rules found that the part 70 and 71 rules as a whole would not have a significant impact on a substantial number of small entities, today's rule, which may affect a much smaller number of entities than

affected by the earlier rules, also will not have a significant impact on a substantial number of small entities. The reasons for this conclusion are discussed in more detail below.

At this time, no nonmajor sources are required by part 71 to obtain an operating permit. The Agency has also issued several policy memoranda explaining or providing mechanisms for sources to become ''synthetic minors'' whereby the source is recognized for not emitting pollutants in major quantities. The sources thereby avoid the requirement to obtain a part 71 permit.

Because of the deferral of permitting requirements for nonmajor sources, today's proposal would affect only a small number of sources. Although firm figures on the number of title V sources in Indian country are not available, preliminary estimates suggest that there may be only approximately 100 major sources, and 450 nonmajor sources (for which permitting requirements would be deferred).

Consequently, I hereby certify that today's proposed rule would not have a significant impact on a substantial number of small entities.

D. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection requirements currently contained in the part 71 requirements published July 1, 1996 (61 FR 34202) under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2060–0336. The additional information collection requirements in this proposed rule have been submitted for approval to the OMB. An Information Collection Request (ICR) document has been prepared by EPA (ICR No. 1713.03) and a copy may be obtained from Sandy Farmer, Regulatory Information Division; U.S. Environmental Protection Agency (2137); 401 M St., SW., Washington, DC 20460 or by calling (202) 260–2740.

The information is planned to be collected to enable EPA to carry out its obligations under the Act to determine which sources in Indian country are subject to the Federal Operating Permits Program and what requirements should be included in permits for sources subject to the program. Responses to the collection of information will be mandatory under § 71.5(a) which requires owners or operators of sources subject to the program to submit a timely and complete permit application and under §§ 71.6 (a) and (c) which require that permits include requirements related to recordkeeping and reporting. As provided in 42 U.S.C. 7661(e), sources may assert a business confidentiality claim for the information collected under section 114(c) of the Act.

Today's proposal would impose information collection request requirements on approximately 100 sources in Indian country. On a per source basis, the burden would be identical to the burden for sources currently subject to part 71 requirements. In the current Information Collection Request (ICR) document for the part 71 rule, EPA estimates that the annual burden per source is 329 hours, and the annual burden to the Federal government is 243 hours per source. Therefore, the impact of today's proposal would be that sources will incur an additional 32,900 burden hours per year, and EPA will incur an additional 24,300 burden hours per year. The total annualized cost would be $18,425 per source or $1,842,500.

Today's rule imposes no burden on State and local agencies. 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. 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.

E. Unfunded Mandates Reform Act

Today's action imposes no costs on State, local, and Tribal governments. It changes the Agency's approach to issuing permits to sources in Indian country and eliminates the requirement that Indian Tribes establish their jurisdiction prior to EPA administering the Federal operating permits program in Indian country.

The EPA has estimated in the ICR document that the Federal operating permits program rule promulgated in July 1996 would cost the private sector $37.9 million per year. See 61 FR 34202, 34228 (July 1, 1996). In the ICR, EPA estimates costs based on sources that would be subject to part 71 permitting requirements in eight States, but overestimates the number of these sources for purposes of simplifying the analysis. See 61 FR 34202, 34227 (July 1, 1996). The overestimate of the number of sources is nearly as large as the number of new sources covered in today's proposal. Consequently, EPA believes today's proposal would increase the direct cost of the part 71 rule for industry to $38.3 million. This estimate is based on the average cost of compliance per source and the number of sources in Indian country that were not accounted for in the original estimate. The EPA has determined that today's action does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and Tribal governments, in the aggregate, or the private sector, in any 1 year. Therefore, the Agency concludes that it is not required by section 202 of the Unfunded Mandates Reform Act of 1995 to provide a written statement to accompany this regulatory action.

List of Subjects 40 CFR Part 71

Environmental protection, Operating permits, Indian Tribes.

Dated: March 17, 1997.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is proposed to be amended as set forth below.

PART 71—[AMENDED]

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

Authority: 42 U.S.C. 7401 *et seq.*

Subpart A—[Amended]

2. Section 71.2 is proposed to be amended by revising paragraphs (1) and (2) of the definition of ''Affected State'' and by adding the definition of ''Indian country'' as follows:

§ 71.2 Definitions.

* * * * *

Affected States are:

(1) All States and areas within Indian country subject to a part 70 or part 71 program and that are contiguous to the State or the area within Indian country in which the permit, permit modification, or permit renewal is being proposed; or that are within 50 miles of the permitted source. A Tribe shall be treated in the same manner as a State under this paragraph (1) only if EPA has

determined that the Tribe is an eligible Tribe.

(2) The State or area within Indian country subject to a part 70 or part 71 program in which a part 71 permit, permit modification, or permit renewal is being proposed. A Tribe shall be treated in the same manner as a State under this paragraph (2) only if EPA has determined that the Tribe is an eligible Tribe.

* * * * *

Indian country means:

(1) All land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation;

(2) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a State; and

(3) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

* * * * *

2. Section 71.4 is proposed to be amended by revising paragraph (a) introductory text, revising paragraph (b), revising paragraph (f), revising paragraph (h), revising paragraph (i) introductory text, and revising the first sentence of paragraph (j), to read as follows:

§ 71.4 Program implementation.

(a) *Part 71 programs for States.* The Administrator will administer and enforce a full or partial operating permits program for a State (excluding Indian country) in the following situations:

* * * * *

(b) *Part 71 programs for Indian country.* By November 15, 1997, the Administrator will administer and enforce an operating permits program in Indian country, as defined in § 71.2, when an operating permits program for the area which meets the requirements of part 70 of this chapter has not been granted full or interim approval by the Administrator. The Administrator may administer an operating permits program in Indian country in advance of that date.

(1) [Reserved].

(2) The effective date of a part 71 program in Indian country shall be November 15, 1997.

(3) Notwithstanding paragraph (b)(2) of this section, the Administrator, in consultation with the governing body of the affected Indian Tribe, may adopt an earlier effective date.

(4) Notwithstanding paragraph (i)(2) of this section, within 2 years of the effective date of the part 71 program in Indian country, the Administrator shall take final action on permit applications from part 71 sources that are submitted within the first full year after the effective date of the part 71 program.

* * * * *

(f) *Use of selected provisions of this part.* The Administrator may utilize any or all of the provisions of this part to administer the permitting process for individual sources or take action on individual permits, or may adopt, through rulemaking, portions of a State or Tribal program in combination with provisions of this part to administer a Federal program for the State or in Indian country in substitution of or addition to the Federal program otherwise required by this part.

* * * * *

(h) *Effect of limited deficiency in the State or Tribal program.* The Administrator may administer and enforce a part 71 program in a State or within Indian country even if only limited deficiencies exist either in the initial program submittal for a State or eligible Tribe under part 70 of this chapter or in an existing State or Tribal program that has been approved under part 70 of this chapter.

(i) *Transition plan for initial permits issuance.* If a full or partial part 71 program becomes effective in a State or within Indian country prior to the issuance of part 70 permits to all part 70 sources under an existing program that has been approved under part 70 of this chapter, the Administrator shall take final action on initial permit applications for all part 71 sources in accordance with the following transition plan.

* * * * *

(j) *Delegation of part 71 program.* The Administrator may promulgate a part 71 program in a State or Indian country and delegate part of the responsibility for administering the part 71 program to the State or eligible Tribe in accordance with the provisions of § 71.10; however, delegation of a part of a program will not constitute any type of approval of a State or Tribal operating permits program under part 70 of this chapter.

* * *

* * * * *

3. Section 71.8 is proposed to be amended by revising the first sentence of paragraph (a) and revising paragraph (d) as follows:

§ 71.8 Affected State review.

(a) *Notice of draft permits.* When a part 71 operating permits program becomes effective in a State or within Indian country, the permitting authority shall provide notice of each draft permit to any affected State, as defined in § 71.2 on or before the time that the permitting authority provides this notice to the public pursuant to § 71.7 or 71.11(d) except to the extent § 71.7(e)(1) or (2) requires the timing of the notice to be different. * * *

* * * * *

(d) *Notice provided to Indian Tribes.* The permitting authority shall provide notice of each draft permit to any federally recognized Indian Tribe in an area contiguous to the jurisdiction in which the part 71 permit is proposed or is within 50 miles of the permitted source and whose air quality may be affected by the permitting action.

[FR Doc. 97–7219 Filed 3–20–97; 8:45 am]

BILLING CODE 6560–50–P

Friday
March 21, 1997

Part IV

General Services Administration

41 CFR Part 302–1, et al.

Federal Travel Regulations; Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 302–1 and 302–5

[FTR Amendment 59]

RIN 3090–AG20

Federal Travel Regulation; Fixed Amount Reimbursement for Temporary Quarters Subsistence Expenses

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow an agency to pay a fixed amount for temporary quarters subsistence expenses. This amendment will save the Government money by easing the burden of processing relocation claims and will increase employee satisfaction with the relocation process.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide*, dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1712 of the Act, which provides the General Services Administration (GSA) authority to issue regulations that authorize agencies to reimburse a transferred employee a fixed amount for temporary quarters subsistence expenses (TQSE). This amendment is written in the ''plain English'' style of regulation writing as a continuation of GSA s effort to make the FTR easier to understand and to use.

How does this amendment change the allowance for temporary quarters subsistence expenses?

This amendment permits agencies to reimburse employees a fixed amount without requiring receipts for TQSE. In addition to the plain English formatting, this amendment also refines the current actual expense method of reimbursing TQSE.

When will I receive a fixed amount for temporary quarters subsistence expenses?

Your agency decides whether it will offer you the ''fixed amount'' method of reimbursement for TQSE. If your agency offers you the fixed amount option, you may choose between it and the traditional method under which you are reimbursed your actual TQSE within a maximum ceiling which requires you to document your expenses.

How does this amendment change the actual expense method of reimbursing TQSE?

This amendment makes two principal changes to the actual expense method of reimbursing TQSE. First, the maximum daily amounts are now expressed in decimal format instead of the previous format which depicted them as fractions of the applicable per diem rate. Note that the new decimal maximum daily amounts in some cases vary from the previous fractional equivalents. For example, the new maximum daily amount for an accompanied spouse and/or a child 12 years or older during the initial 30-day period of temporary quarters occupancy is .75 of the applicable per diem rate instead of two-thirds of that rate.

The new maximum daily amount allowed for a child under 12 during any period of temporary quarters occupancy subsequent to the initial 30-day period will be .4 of the applicable per diem rate instead of two-thirds of one-half of that rate.

Second, an agency now may authorize an extension of the temporary quarters period regardless of when the compelling reason(s) occur. The FTR previously required that compelling reasons occur during the initial period of temporary quarters. This amendment eliminates that requirement.

What is the ''plain English'' style of regulation writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question when referring to an agency and an ''I'' question when referring to the employee.

How does the plain English style of regulation writing affect employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 302–1 and 302–5

Government employees, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR chapter 302 is amended as follows:

PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

1. The authority citation for part 302–1 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—New Appointees and Transferred Employees

§ 302–1.7 [Amended]

2. Section 302–1.7 is amended by removing the reference ''§ 302–5.2(h)'' in paragraph (a) and adding in its place the reference ''§ 302–5.4(b)''

3. Section 302–1.14 is amended by revising paragraph (a)(3)(iii) to read as follows:

§ 302–1.14 Use of funds.

(a) * * *

(3) * * *

(iii) Subsistence while occupying temporary quarters as set forth in § 302–5.15 of this chapter;

4. Part 302–5 is revised to read as follows:

PART 302–5—ALLOWANCE FOR TEMPORARY QUARTERS SUBSISTENCE EXPENSES

Subpart A—General Rules

Sec.

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—General Rules

Note to subpart A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–5.1 What are ''temporary quarters''?

The term ''temporary quarters'' refers to lodging obtained for the purpose of temporary occupancy from a private or commercial source.

§ 302–5.2 What are ''temporary quarters subsistence expenses (TQSE)''?

''Temporary quarters subsistence expenses'' or ''TQSE'' are subsistence expenses incurred by an employee and/or his/her immediate family while occupying temporary quarters. TQSE does not include local transportation expenses incurred during occupancy of temporary quarters (see § 302–5.18 for details).

§ 302–5.3 What is the purpose of the TQSE allowance?

The TQSE allowance is intended to reimburse an employee reasonably and equitably for subsistence expenses incurred when it is necessary to occupy temporary quarters.

§ 302–5.4 Am I eligible for a TQSE allowance?

You are eligible for a TQSE allowance if you are an employee who is authorized to transfer; and

(a) Your new official station is located within the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))); and

(b) Your old and new official stations are 40 miles or more apart (as measured by map distance) via a usually traveled surface route.

§ 302–5.5 Who is not eligible for a TQSE allowance?

New appointees, employees assigned under the Government Employees Training Act (5 U.S.C. 4109), and employees returning from an overseas assignment for the purpose of separation are not eligible for a TQSE allowance.

§ 302–5.6 Must my agency authorize payment of a TQSE allowance?

No, your agency determines whether it is in the Government's interest to pay TQSE.

§ 302–5.7 Under what circumstances will I receive a TQSE allowance?

You will receive a TQSE allowance if:

(a) Your agency authorizes it before you occupy the temporary quarters (the agency authorization must specify the period of time allowed for you to occupy temporary quarters); and

(b) You have signed a service agreement; and

(c) You meet any additional conditions your agency has established.

§ 302–5.8 Who may occupy temporary quarters at Government expense?

Only you and/or your immediate family may occupy temporary quarters at Government expense.

§ 302–5.9 Where may I/we occupy temporary quarters at Government expense?

You and/or your immediate family may occupy temporary quarters at Government expense within reasonable proximity of your old and/or new official stations. Neither you nor your immediate family may be reimbursed for occupying temporary quarters at any other location, unless justified by special circumstances that are reasonably related to your transfer.

§ 302–5.10 May my immediate family and I occupy temporary quarters at different locations?

Yes. For example, if you must vacate your home at the old official station and report to the new official station and your family remains behind until the

end of the school year, you may need to occupy temporary quarters at the new official station while your family occupies temporary quarters at the old official station.

§ 302–5.11 What methods may my agency use to reimburse me for TQSE?

Your agency will reimburse you for TQSE under the actual expense method unless it permits the ''fixed amount'' reimbursement method as an alternative. If your agency makes both methods available to you, you may select the one you prefer.

§ 302–5.12 Must I document my TQSE to receive reimbursement?

For fixed amount TQSE reimbursement, you do not document your TQSE. For actual TQSE reimbursement, you must document your TQSE by itemizing each expense and providing receipts as required by FTR § 301–11.3(c) of this subtitle.

§ 302–5.13 How soon may I/we begin occupying temporary quarters at Government expense?

As soon as your agency has authorized you to receive a TQSE allowance and you have signed a service agreement.

§ 302–5.14 How is my TQSE allowance affected if my temporary quarters become my permanent residence quarters?

If your temporary quarters become your permanent residence quarters, you may receive a TQSE allowance only if you show in a manner satisfactory to your agency that you initially intended to occupy the quarters temporarily.

§ 302–5.15 May I receive an advance of funds for TQSE?

Yes. If authorized in accordance with § 302–1.14(a) of this chapter, your agency may advance the amount of funds necessary to cover your estimated TQSE expenses for up to 30 days. Your agency subsequently may advance additional funds for periods up to 30 days.

§ 302–5.16 May I receive a TQSE allowance if I am receiving another subsistence expenses allowance?

No, with one exception. You may receive a cost-of-living allowance payable under 5 U.S.C. 5941 in addition to a TQSE allowance.

§ 302–5.17 Am I eligible for a TQSE allowance if I transfer to a foreign area?

No. You may not receive a TQSE allowance under this part when you transfer to an area outside the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))). However, you may qualify for a comparable allowance under the Standardized Regulations (Government Civilians, Foreign Areas) prescribed by the State Department.

§ 302–5.18 May I be reimbursed for local transportation expenses incurred while I am occupying temporary quarters?

Generally not. Local transportation expenses are not TQSE, and there is no authority to pay them as such. You may, however, be reimbursed under part 301–2 of this subtitle for necessary transportation expenses if you perform local official business travel while you are occupying temporary quarters.

Subpart B—Actual TQSE Method of Reimbursement

Note to subpart B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–5.100 What am I paid under the actual TQSE reimbursement method?

Your agency will pay your actual TQSE incurred, provided the expenses are reasonable and do not exceed the maximum allowable amount. The ''maximum allowable amount'' is the ''maximum daily amount'' multiplied by the number of days you actually incur TQSE not to exceed the number of days authorized, taking into account that the rates change after 30 days in temporary quarters. The ''maximum daily amount'' is determined by adding the rates in the following table for you and each member of your immediate family authorized to occupy temporary quarters:

For	The ''maximum daily amount'' of TQSE under the actual expense method that		
	You and/or your unaccompanied spouse* may receive is	Your accompanied spouse or a member of your immediate family who is age 12 or older may receive is	A member of your immediate family who is under age 12 may receive is
The first 30 days of temporary quarters.	The applicable per diem rate	.75 times the applicable per diem rate.	.5 times the applicable per diem rate.
Any additional days of temporary quarters.	.75 times the applicable per diem rate.	.5 times the applicable per diem rate.	.4 times the applicable per diem rate.

(That is, when the spouse necessarily occupies temporary quarters in lieu of the employee or in a location separate from the employee.)

§ 302–5.101 May my agency reduce my TQSE allowance below the ''maximum allowable amount''?

Yes. If the estimated daily amount of your TQSE is determined in advance to be lower than the maximum daily amount, your agency may reduce the maximum allowable amount to your expected expenses.

§ 302–5.102 What is the ''applicable per diem rate'' under the actual TQSE reimbursement method?

The ''applicable per diem rate'' under the actual TQSE reimbursement method is as follows:

For temporary quarters located in	The applicable per diem rate is
The continental United States (CONUS)	The standard CONUS rate.
Alaska, Hawaii, the United States territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)).	The locality rate established by the Secretary of Defense or the Secretary of State under § 301–7.3 of this subtitle.

§ 302–5.103 What is the latest the period for which I claim actual TQSE reimbursement may begin?

The period must begin before the maximum time for beginning allowable travel and transportation under § 302–1.6 of this chapter expires.

§ 302–5.104 How long may I be authorized to claim actual TQSE reimbursement?

Your agency may authorize you to claim actual TQSE in 30-day increments, not to exceed 60 consecutive days. However, if your agency determines that there is a compelling reason for you to continue occupying temporary quarters after 60 consecutive days, it may authorize an extension of up to 60 additional consecutive days. Under no circumstances may you be authorized to claim actual TQSE reimbursement for more than a total of 120 consecutive days.

§ 302–5.105 What is a ''compelling reason'' warranting extension of my authorized period for claiming actual TQSE reimbursement?

A ''compelling reason'' is an event that is beyond your control and is acceptable to your agency. Examples include, but are not limited to:

(a) Delivery of your household goods to your new residence is delayed due to strikes, customs clearance, hazardous weather, fires, floods or other acts of God, or similar events.

(b) You cannot occupy your new permanent residence because of unanticipated problems (e.g., delay in settlement on the new residence, or short-term delay in construction of the residence).

(c) You are unable to locate a permanent residence which is adequate for your family's needs because of housing conditions at your new official station.

(d) Sudden illness, injury, or death of employee or immediate family member.

§ 302–5.106 May I interrupt occupancy of temporary quarters?

Yes. Your authorized period for claiming actual TQSE reimbursement is measured in consecutive days, and once begun, normally continues to run whether or not you occupy temporary quarters. You may, however, interrupt your authorized period for claiming actual TQSE reimbursement in the following instances:

(a) For the time allowed for en route travel between the old and new official stations;

(b) For circumstances attributable to official necessity such as an intervening temporary duty assignment or military duty; or

(c) For a non-official necessary interruption such as hospitalization, approved sick leave, or other reason beyond your control and acceptable to your agency.

§ 302–5.107 What effect do partial days of temporary quarters occupancy have on my authorized period for claiming actual TQSE reimbursement?

Occupancy of temporary quarters for less than a whole day constitutes one full day of your authorized period. (However, see § 302–5.110 regarding en route travel.)

§ 302–5.108 When does my authorized period for claiming actual TQSE reimbursement end?

The period ends at midnight on the earlier of:

(a) The day preceding the day you and/or any member of your immediate family occupies permanent residence quarters.

(b) The day your authorized period for claiming actual TQSE reimbursement expires.

§ 302–5.109 May the period for which I am authorized to claim actual TQSE reimbursement for myself be different from that of my immediate family?

No, the eligibility period for which you are authorized to claim actual TQSE reimbursement for yourself and for each member of your immediate family must run concurrently.

§ 302–5.110 What effect do partial days have on my actual TQSE reimbursement?

You may not receive reimbursement under both the actual TQSE allowance and another subsistence expenses allowance within the same calendar day, with one exception: if you claim TQSE reimbursement on the same day that en route travel per diem ends, your en route travel per diem will be computed under applicable partial day rules and you also may be reimbursed for actual TQSE you incur after 6:00 p.m. of that day.

§ 302–5.111 May I and/or my immediate family occupy temporary quarters longer than the period for which I am authorized to claim actual TQSE reimbursement?

Yes, but you will not be reimbursed for any of the expenses you incur during the unauthorized period.

Subpart C—Fixed Amount Reimbursement

Note to subpart C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–5.200 What am I paid under the fixed amount reimbursement method?

If your agency offers and you select the fixed amount TQSE reimbursement method, you are paid a fixed amount for up to 30 days. No extensions are allowed under the fixed amount method.

§ 302–5.201 How do I determine the amount of my payment under the fixed amount reimbursement method?

Multiply the number of days your agency authorizes TQSE by .75 times the maximum per diem rate (i.e., lodging plus meals and incidental expenses) prescribed in chapter 301 of this subtitle for the locality of the new official duty station. Then, for each member of your immediate family, multiply the same number of days by .25 times the same per diem rate. Your payment will be the sum of these calculations.

§ 302–5.202 Will I receive additional TQSE reimbursement if my fixed amount is not adequate to cover my TQSE?

No.

Subpart D—Agency Responsibilities

Note to subpart D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–5.300 How should we administer the TQSE allowance?

Temporary quarters should be used only if, and only for as long as, necessary until the employee and/or his/her immediate family can move into permanent residence quarters. You must administer the TQSE allowance to minimize or avoid other relocation expenses.

§ 302–5.301 What governing policies must we establish for the TQSE allowance?

You must establish policies and procedures governing:

(a) When you will authorize temporary quarters for employees;

(b) Who will determine if temporary quarters is appropriate in each situation;

(c) If and when you will authorize the fixed amount option for TQSE reimbursement;

(d) Who will determine the appropriate period of time for which TQSE reimbursement will be authorized, including approval of extensions and interruptions of temporary quarters occupancy;

(e) Who will determine whether quarters were indeed temporary, if there is any doubt.

§ 302–5.302 Under what circumstances may we authorize the TQSE allowance?

You may authorize a TQSE allowance on an individual-case basis when use of

temporary quarters is justified in connection with an employee's transfer to a new official station. You may not authorize a TQSE allowance for vacation purposes or other reasons unrelated to the transfer.

§ 302–5.303 What factors should we consider in determining whether the TQSE allowance actually is necessary?

The factors you should consider include:

(a) *The length of time the employee should reasonably be expected to occupy his/her residence at the old official station prior to reporting for duty at the new official station.* An employee and his/her immediate family should continue to occupy the residence at the old official station for as long as practicable to avoid the necessity for temporary quarters.

(b) *The existence of less expensive alternatives.* If a less expensive alternative to the TQSE allowance exists that will enable the employee to find permanent quarters at the new official station, you should consider such an alternative. For example, authorize a househunting trip instead of temporary quarters if it would cost less overall.

(c) *The existence of other opportunities to arrange for permanent quarters.* Consider whether the employee had other adequate opportunity to arrange for permanent quarters. For example, you should not authorize temporary quarters if the employee had adequate opportunity during an extended temporary duty assignment to arrange for permanent quarters.

§ 302–5.304 What factors should we consider in determining whether to offer an employee the fixed amount TQSE reimbursement option?

The factors you should consider include:

(a) *Ease of administration.* Actual TQSE reimbursement requires an agency to review claims for the validity, accuracy, and reasonableness of each expense amount. Fixed amount TQSE reimbursement does not require review of expense amounts and is therefore easier to administer.

(b) *Cost considerations.* You must weigh the cost of each alternative. Actual TQSE reimbursement may extend up to 120 consecutive days, while fixed amount TQSE reimbursement is limited to 30 days. Actual TQSE reimbursement may be less expensive, since its ceiling is based on the standard CONUS rate, while fixed amount TQSE reimbursement is based on the locality per diem rate. However, fixed amount TQSE reimbursement may be less expensive because the maximum daily rate under actual TQSE reimbursement is a higher percentage of the applicable per diem rate than fixed amount TQSE reimbursement.

(c) *Treatment of employee.* The employee is allowed to choose between actual TQSE reimbursement and fixed amount TQSE reimbursement when you offer the fixed amount TQSE reimbursement method. You therefore should weigh employee morale and productivity considerations against actual cost considerations in determining which method to offer.

§ 302–5.305 What factors should we consider in determining whether quarters are temporary?

In determining whether quarters are ''temporary'', you should consider factors such as the duration of the lease, movement of household effects into the quarters, the type of quarters, the employee's expressions of intent, attempts to secure a permanent dwelling, and the length of time the employee occupies the quarters.

Dated: March 17, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7183 Filed 3–20–97; 8:45 am]

BILLING CODE 6820–34–P

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41 CFR Part 302–15

[FTR Amendment 60]

RIN 3090–AG21

Federal Travel Regulation; Property Management Services

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow an agency to pay for property management services when an employee transfers in the interest of the Government. This amendment will save the Government money when property management services are substituted for the sale, at Government expense, of an employee's residence.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide,* dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1714 of the Act which provides the General Services Administration (GSA) authority to issue regulations which authorize agencies to pay for property management services. This amendment is written in the ''plain English'' style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and to use.

What are ''property management services''?

''Property management services'' are services, offered by a company, which assist a transferee in retaining and renting, rather than selling, his/her residence at the old official station.

How may property management services be obtained?

The employee may obtain the services directly and be reimbursed, or the agency may contract with a relocation services company to provide these services.

Must an agency authorize payment for property management services?

No. The agency has the option of offering this, as one way of managing the sale of a residence in connection with a relocation; it is intended to provide flexibility for agencies and transferees.

Under what circumstances may an agency pay for property management services?

An agency may pay for property management services when an employee transfers to a foreign area. An agency also may pay for property management services instead of the sale of an employee's residence at Government expense when an employee assigned to a foreign post of duty is transferred back to a different

nonforeign area official station than the one he/she left when transferred to a foreign area.

What is the ''plain English'' style of regulation writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question when referring to an agency, and an ''I'' question when referring to the employee.

How does the plain English style of regulation writing affect employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 302–15

Government employees, travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR part 302–15 is added to read as follows:

PART 302–15—ALLOWANCE FOR PROPERTY MANAGEMENT SERVICES

Subpart A—General Rules for the Employee

Sec.

Subpart B—Payment for Property Management Services for Employees Transferred to a Foreign Area Post of Duty

Subpart C—Payment for Property Management Services for Employees Transferred to a Nonforeign Area From a Foreign Area

Subpart D—Agency Responsibilities

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—General Rules for the Employee

Note to subpart A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–15.1 What are ''property management services''?

''Property management services'' are programs provided by private companies for a fee, which help an employee to manage his/her residence at the old official station as a rental property. These services typically include, but are not limited to, obtaining a tenant, negotiating the lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee.

§ 302–15.2 What is a ''nonforeign area''?

A ''nonforeign area'' is the United States, its territories or possessions, the Commonwealths of Puerto Rico or the Northern Mariana Islands, or the former Canal Zone area (i.e., areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in 22 U.S.C. 3602(a))).

§ 302–15.3 What is a ''foreign area''?

A ''foreign area'' means any area that is not a ''nonforeign area'', as defined in § 302–15.2.

§ 302–15.4 What are the purposes of the allowance for property management services?

The purpose is to reduce overall Government relocation costs when used instead of sale of the employee's residence at Government expense. When authorized in connection with an employee's transfer to a foreign area post of duty, the purpose is to relieve the employee of the costs of maintaining a home in a nonforeign area while stationed at a foreign area post of duty.

§ 302–15.5 In what situations may my agency authorize payment for property management services?

Your agency may authorize payment when:

(a) You transfer in the interest of the Government to a foreign area post of duty; or

(b) You are transferred back to a different nonforeign area official station than the one you left when you were transferred to a foreign area, and you are otherwise eligible for the sale of your residence at Government expense.

§ 302–15.6 Must my agency authorize payment for property management services?

No, your agency determines when it is in the Government's interest to authorize payment for these services and what procedures you must follow when it authorizes such payment.

§ 302–15.7 What are the income tax consequences when my agency pays for my property management services?

You will be taxed on the amount of expenses your agency pays for property management services whether it reimburses you directly or whether it pays a relocation services company to manage your residence. Your agency must pay you a relocation income tax (RIT) allowance for the additional Federal, State and local income taxes you incur on property management expenses it reimburses you or pays on your behalf. You may wish to consult with a tax advisor to determine whether you will incur any additional tax liability, unrelated to your agency's payment of your property management expenses, as a result of maintaining your residence as a rental property.

§ 302–15.8 Who is not eligible for payment for property management services?

New appointees, employees assigned under the Government Employees Training Act (5 U.S.C. 4109), and employees transferring wholly within a nonforeign area.

Subpart B—Payment for Property Management Services for Employees Transferred to a Foreign Area Post of Duty

Note to subpart B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–15.100 Am I eligible for payment for property management services under this subpart?

Yes, when your transfer to a foreign area post of duty is in the interest of the Government and you and/or a member(s) of your immediate family hold title to a residence which you would be eligible to sell at Government expense under part 302–6 or 302–12 of this chapter if you were transferred to or within a nonforeign area.

§ 302–15.101 Will my agency pay for property management services when I transfer to a foreign area post of duty?

Yes, when:

(a) Your agency authorizes payment for your property management services;

(b) You have signed a service agreement; and

(c) You meet any additional conditions that your agency has established.

§ 302–15.102 For what property may my agency authorize payment under this subpart?

Payment may be authorized only on your residence at the last nonforeign area official station from which you transferred to a foreign area post of duty.

§ 302–15.103 How long may my agency pay under this subpart?

Your agency may pay from the time you transfer to a foreign area post of duty until one of the following occurs:

(a) You transfer back to an official station in a nonforeign area;

(b) You complete a service agreement at your post of duty and remain there, but do not sign a new service agreement; or

(c) You separate from Government service.

§ 302–15.104 If my agency is paying for property management services under this subpart and my service agreement expires, what must I do to ensure that payment for property management services continues?

You must sign a new service agreement.

§ 302–15.105 Must I repay property management expenses my agency paid under this subpart if I elect to sell my nonforeign area residence at Government expense when I am transferred from my current foreign area post of duty to a different nonforeign area official station than the one I left?

No. The authority for your agency to pay for property management services under this subpart when you are transferred to a foreign area is separate from, and in addition to, the authority to sell your residence at Government expense under part 302–6 or 302–12 of this chapter, or to pay property management services under subpart C of this part.

Subpart C—Payment for Property Management Services for Employees Transferred to a Nonforeign Area From a Foreign Area to Subpart C

Note: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–15.200 Am I eligible for payment for property management services under this subpart?

Yes, when:

(a) You transfer in the interest of the Government back to a different nonforeign area official station than the one you left when you transferred to a foreign area; and

(b) You and/or a member(s) of your immediate family hold title to a residence which you are eligible to sell at Government expense under part 302–6 or 302–12 of this chapter.

§ 302–15.201 Under what circumstances will my agency authorize payment under this subpart?

Your agency will authorize payment under this subpart when:

(a) Your agency has determined that payment for property management services is more advantageous and cost effective for the Government than sale of your residence;

(b) You have signed a service agreement incident to your transfer back to a nonforeign area; and

(c) You meet any additional conditions that your agency has established.

§ 302–15.202 When my agency authorizes payment for me under this subpart, am I obligated to use such services, or may I elect instead to sell my residence at Government expense?

You are not obligated to use your authorized property management services allowance. You have the option of choosing to sell your residence at Government expense or to use the property management services allowance.

§ 302–15.203 For what property may my agency authorize payment under this subpart?

Your agency may authorize payment only on your residence at the old nonforeign area official station.

§ 302–15.204 How long may my agency pay under this subpart?

Your agency may pay for a period not to exceed two years from your effective date of transfer.

§ 302–15.205 If my agency authorized, and I elected to receive, payment under this subpart, may I later elect to sell my residence at Government expense?

Yes, provided:

(a) Your agency allows you to change your election of payment for property management expenses to an election of sale of your residence at Government expense; and

(b) Payment for the sale of your residence at Government expense is offset in accordance with your agency's policy established under § 302–15.300(d).

Subpart D—Agency Responsibilities

Note to subpart D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–15.300 What governing policies must we establish for the allowance for property management services?

You must establish policies and procedures governing:

(a) When you will authorize payment for property management services for an employee who transfers to a foreign area post of duty;

(b) Who will determine whether payment for property management services is appropriate when an employee transfers to a foreign area post of duty;

(c) The circumstances under which you will authorize an employee who is eligible under this part for property management services to elect the use of property management services instead of the sale of his/her residence at Government expense under part 302–6 or 302–12 of this chapter;

(d) Who will determine whether payment for property management services is more advantageous and cost effective than sale of an employee's residence at Government expense;

(e) If and when you will allow an employee who was offered and accepted payment for property management services under subpart C of this part to change his/her mind and elect instead to sell his/her residence at Government expense, and who will make that determination; and

(f) How you will offset expenses you have paid for property management services against payable expenses for sale of the employee's residence when an eligible employee who elected payment for property management services later changes his/her mind and elects instead to sell his/her residence at Government expense.

Dated: March 17, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7184 Filed 3–20–97; 8:45 am]

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41 CFR Part 302–14

[FTR Amendment 61]

RIN 3090–AG22

Federal Travel Regulation; Home Marketing Incentive Payments

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow an agency to pay a home marketing incentive to a transferred employee who uses the agency s homesale program provided by a relocation services company under contract with the Government and who independently and aggressively markets, and finds a bona fide buyer for, his/her residence resulting in significantly lower fee/expense payments the agency must make to the relocation services company. This amendment will save the Government money through reduced payments to relocation services companies and will increase employee satisfaction with the relocation process.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide,* dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. No. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1717 of the Act which provides the General Services Administration (GSA) authority to issue regulations which authorize agencies to pay a home marketing incentive to a transferred employee to facilitate sale of the employee s residence at the old official station at lower overall cost to the Government when the employee uses the agency s homesale program provided by a relocation services company under contract with the Government. This amendment is written in the ''plain English'' style of regulation writing as a continuation of GSA s effort to make the FTR easier to understand and to use.

What is a ''homesale program''?

A program under which a relocation services company, under contract with the agency, purchases a transferred employee s residence at fair market (appraised) value and then independently markets and sells the residence.

What is the ''home marketing incentive payment''?

This is a payment an agency makes to its transferred employee to encourage the employee to independently and aggressively market his/her residence and find a bona fide buyer, thereby reducing the fee/expenses the agency must pay the relocation services company. The amount of the incentive payment may not exceed five percent of the price the relocation services company paid the employee for his/her residence, or the savings the agency realized from the reduced fee/expenses it paid.

Why would an agency want to institute a home marketing incentive payment program?

With this type of program, the sum of the incentive payment and the reduced payment to the relocation services company is less than the fee/expenses the agency must pay the relocation services company when the company has to find a buyer for the residence.

What is the ''plain English'' style of regulation writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person and answers are in the second person. GSA uses a ''we'' question when referring to an agency and an ''I'' question when referring to the employee.

How does the plain English style of regulation writing affect employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 302–14

Government employees, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR part 302–14 is added to read as follows:

PART 302–14—HOME MARKETING INCENTIVE PAYMENTS

Subpart A—Payment of Incentive to the Employee

Authority: 5 U.S.C. 5756.

Subpart A—Payment of Incentive to the Employee

Note to subpart A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–14.1 What is a ''homesale program''?

It is a program offered by an agency through a contractual arrangement with a relocation services company. The relocation services company purchases a transferred employee s residence at fair market (appraised) value and then independently markets and sells the residence.

§ 302–14.2 What is the purpose of a home marketing incentive payment?

To reduce the Government s relocation costs by encouraging transferred employees who participate in their employing agency s homesale program to independently and aggressively market, and find a bona fide buyer for, their residence. This significantly reduces the fees/expenses their agencies must pay to relocation services companies and effectively lowers the cost of such programs.

§ 302–14.3 Am I eligible to receive a home marketing incentive payment?

Yes, if you are an employee who is authorized to transfer and you otherwise meet requirements for sale of your residence at Government expense.

§ 302–14.4 Must my agency pay me a home marketing incentive?

No. Your agency determines when it is in the Government s interest to offer you a home marketing incentive.

§ 302–14.5 Under what circumstances will I receive a home marketing incentive payment?

You will receive a home marketing incentive payment when:

(a) You enter your residence in your agency s homesale program;

(b) You independently and aggressively market your residence;

(c) You find a bona fide buyer for your residence as a result of your independent marketing efforts;

(d) You transfer the residence to the relocation services company;

(e) Your agency pays a reduced fee/expenses to the relocation services company as a result of your independent marketing efforts; and

(f) You meet any additional conditions your agency has established, including but not limited to, mandatory marketing periods, list price guidelines, closing requirements, and residence value caps.

§ 302–14.6 How much may my agency pay me for a home marketing incentive?

Your agency determines the amount of your home marketing incentive payment. The incentive payment, however, may not exceed the lesser of:

(a) Five percent of the price the relocation services company paid when it purchased the residence from you; or

(b) The savings your agency realized from the reduced fee/expenses it paid as a result of your finding a bona fide buyer.

§ 302–14.7 Are there tax consequences when I receive a home marketing incentive payment?

Yes, the home marketing incentive payment is considered income. Consequently, you will be taxed, and your agency will withhold income and employment taxes, on the home marketing incentive payment. You will not, however, receive a withholding tax allowance (WTA) to offset the withholding on your home marketing incentive payment, nor will you receive a relocation income tax (RIT) allowance payment for substantially all of your Federal, state and local income taxes on the incentive payment.

Subpart B—Agency Responsibilities

Note to subpart B: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–14.100 How should we administer our home marketing incentive payment program?

Your goal in using an incentive payment program is to reduce your overall relocation costs. You must not make a home marketing incentive payment that exceeds the savings you realize from the reduced fees/expenses you pay the relocation services company.

§ 302–14.101 What policies must we establish to govern our home marketing incentive payment program?

You must establish policies to govern:

(a) The conditions under which you will authorize a home marketing incentive payment for an employee;

(b) The amount of the home marketing incentive payment(s) you will offer (or the method you will use to compute your home marketing incentive payments); and

(c) Who will determine in each case whether a home marketing incentive payment is authorized.

§ 302–14.102 What factors should we consider in determining whether to establish a home marketing incentive payment program?

You should consider:

(a) Whether the program will increase the percentage of residences sold for which employees find a bona fide buyer. You should establish a benchmark for the percentage of residences for which you expect employees to find a bona fide buyer resulting in lower homesale costs to you. If your historical percentage of employee-generated sales is below your benchmark, a home marketing incentive payment program may benefit you.

(b) The expected net savings from a home marketing incentive payment program.

§ 302–14.103 What factors should we consider in determining the amount of a home marketing incentive payment?

You should consider:

(a) Amount of savings from reduced fee/expenses paid to the relocation services company. The home marketing incentive payment program is intended to reduce your relocation costs. The amount of each home marketing incentive payment you make, therefore, must not exceed the savings you realize from the reduced fee you pay to the relocation services company.

(b) Employee's efforts in marketing the residence. The purpose of a home marketing incentive payment program is to encourage a transferred employee who participates in a homesale program to independently and aggressively market his/her residence and find a bona fide buyer.

Dated: March 17, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7185 Filed 3–20–97; 8:45 am]

BILLING CODE 6820–34–P

41 CFR Parts 302–6 and 302–12

[FTR Amendment 62]

RIN 3090–AG37

Federal Travel Regulation; Modification of Residence Transaction Expenses Allowance and Use of Relocation Services Companies

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to eliminate the fixed dollar caps on residence transaction expenses reimbursement and to modify the regulations governing the use of relocation services companies. This amendment will save the Government money by offering agencies options to more effectively use relocation services companies.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide*, dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1713 of the Act which eliminates the fixed dollar caps on residence transaction expenses reimbursement and modifies the rules governing use of relocation services companies. This amendment is written in the ''plain English'' style of regulation writing as a continuation of the General Services Administration's (GSA's) effort to make the FTR easier to understand and to use.

How does eliminating the fixed dollar caps affect reimbursement for residence transaction expenses?

It eliminates previous fixed dollar caps but continues to cap residence sale reimbursement at 10 percent of the sales price of the residence, and residence purchase reimbursement at 5 percent of the purchase price of a residence.

How does this amendment modify the use of relocation services companies?

It provides agencies explicit authority to pay fees to a relocation services company. It also facilitates the use of cost-reimbursable contracting by incorporating the new authority to pay for losses incurred by a relocation services company. It eliminates the existing regulatory preference for fixed fee contracts contained in FTR part 302–12, and implements two regulatory improvements recommended by the JFMIP—explicit authority for agencies to establish a cap on the value of residences entered in a homesale program and authority for agencies to separately contract for (unbundle) individual relocation services.

What is the ''plain English'' style of regulation writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question when referring to an agency, and an ''I'' question when referring to the employee.

How does the plain English style of regulation writing affect employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 302–6 and 302–12

Government employees, travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR chapter 302 is amended as follows:

PART 302–6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

1. The authority citation for part 302–6 is revised to read as follows:

Authority: 5 U.S.C. 5738 and 20 U.S.C. 905(c).

2. Section 302–6.1 is amended by revising the introductory text of paragraph (f)(2) to read as follows:

§ 302–6.1 Conditions and requirements under which allowances are payable.

* * * * *

(f) *Reimbursement of expenses.* * * *

(2) *Pro rata reimbursement.* When the title possessed by an employee and/or a member(s) of his/her immediate family is not full title to the residence, or when an employee is deemed to have a title interest under paragraph (c)(3) of this section, the employee shall be reimbursed on a pro rata basis to the extent of his/her actual title interest plus his/her deemed title interest in the residence. Additionally, an employee shall be reimbursed on a pro rata basis in the situations listed in paragraphs (f)(2) (i) and (ii) of this section.

* * * * *

3. Section 302–6.2 is amended by revising paragraphs (e) and (g) to read as follows:

§ 302–6.2 Reimbursable and nonreimbursable expenses.

* * * * *

(e) *Losses due to prices or market conditions at the old and new posts of duty.* Losses are not reimbursable when they are incurred by an employee:

(1) Due to failure to sell a residence at the old official station at the price asked, or at its current appraised value, or at its original cost;

(2) Due to failure to buy a dwelling at the new official station at a price comparable to the selling price of the residence at the old official station; or

(3) Any similar losses.

* * * * *

(g) *Overall limitations*—(1) *Sale of the residence at the old official station.* The total amount of expenses that an agency may reimburse in connection with the sale of the residence at the old official station shall not exceed 10 percent of the actual sales price of the residence.

(2) *Purchase of a residence at the new official station.* The total amount of expenses that an agency may reimburse in connection with the purchase of a residence at the new official station shall not exceed 5 percent of the actual purchase price of the residence.

* * * * *

4. Part 302–12 is revised to read as follows:

PART 302–12—USE OF A RELOCATION SERVICES COMPANY

Subpart A—Agency's Use of a Relocation Services Company

Subpart B—Employee's Use of a Relocation Services Company

Authority: 5 U.S.C. 5738 and 20 U.S.C. 905(c).

Subpart A—Agency's Use of a Relocation Services Company

Note to subpart A: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–12.1 What are ''relocation services''?

''Relocation services'' are services provided by a private company under a contract with an agency to assist a transferred employee in relocating to the new official station. Examples include homesale programs, home marketing assistance, home finding assistance, and property management services.

§ 302–12.2 May we enter into a contract with a relocation services company for the company to provide relocation services?

Yes.

§ 302–12.3 What contracted relocation services may we provide at Government expense?

You may pay for contracted relocation services that are a substitute for reimbursable relocation allowances authorized throughout this chapter. For example, you may pay for homesale services as a substitute for residence sale expenses, or household goods management services as a substitute for transportation of household goods.

§ 302–12.4 May we separately contract for each type of relocation service?

Yes, or you may combine several types of relocation services in a single contract.

§ 302–12.5 What is the purpose of contracting for relocation services?

To improve the treatment of employees who are directed to relocate to facilitate the retention of a well-qualified workforce.

§ 302–12.6 How must we administer a relocation services contract?

You must balance the positive effects that availability of relocation services has on employee mobility and morale with any increased costs your agency may experience as a result of providing relocation services.

§ 302–12.7 What policies must we establish when offering our employees the services of a relocation services company? You must establish policies governing:

(a) The conditions under which you will authorize an employee to use a relocation services company;

(b) Which employees you will allow to use a relocation services company;

(c) What relocation services you will offer an employee; and

(d) Who will determine in each case if an employee may use a relocation services company and what services will be offered.

§ 302–12.8 What rules must we follow when contracting for relocation services?

The rules contained in the Federal Acquisition Regulations (FAR) (48 CFR) and/or other procurement regulations applicable to you.

§ 302–12.9 What are the income tax consequences that we must consider when offering relocation services?

Amounts you pay to a relocation services company on behalf of an employee may be taxable to the employee. In some cases, such as with certain homesale programs, the amounts may not be taxable. You must determine the taxability of such payments, and pay a relocation income tax (RIT) allowance in accordance with part 302–11 of this chapter on payments you determine to be taxable to the employee. You may contact the Assistant Chief Counsel (Income Tax & Accounting), Internal Revenue Service, 1111 Constitution Avenue, NW., Room 5501, Washington, DC 20224, for information on the income tax consequences of payments you make to a relocation services company.

§ 302–12.10 What must we consider in deciding whether to use the fixed-fee or cost-reimbursable contracting method?

You must consider the following factors in deciding which contracting method to use:

(a) *Risk of alternative methods.* Under a fixed fee contract, the relocation services company bears all risks not expressly contained in the contract. Under a cost-reimbursable contract, you must assume some or all risks and, therefore, must assume some management responsibilities under the contract as well. For example, under a fixed fee homesale program you are not directly liable for losses incurred if a residence does not sell immediately, while under a cost-reimbursable homesale program you assume some or all risks of selling the residence.

(b) *Cost of alternative methods.* Under the fixed fee method of contracting, the fee includes a cost component for risk

assumed by the relocation services company. Under the cost-reimbursable method of contracting, you are directly responsible for some or all of the costs associated with management of the contract. In deciding whether to use cost-reimbursable contracting you, therefore, must consider the cost of resources you would require (including personnel costs) to manage a cost-reimbursable relocation services contract.

(c) *Effect on the obligation of funds.* You must obligate funds for a relocation in the fiscal year in which the purchase order is awarded under the contract. Under the fixed fee contracting method, the amount of the relocation services fee is fixed and you have a basis for determining the amount of funds to obligate. Under the cost-reimbursable contracting method, you must obligate funds based on an estimate of the costs that will be incurred. When opting for cost-reimbursable contracting you, therefore, should establish a reliable method of computing fund obligation estimates.

§ 302–12.11 May we take title to an employee s residence?

No, you may not take title to an employee's residence except as specifically provided by statute. The statutes which form the basis for the provisions of this part do not provide such authority.

§ 302–12.12 Under a homesale program, may we establish a maximum home value above which we will not pay for homesale services?

Yes. If a home exceeding the maximum value is sold under your homesale program, the employee will be responsible for any additional costs. You must establish a maximum amount commensurate with your agency's experience. You may consider, among other factors, budgetary constraints, the value range of homes in areas where you have offices, and the value range of homes previously entered in your program.

§ 302–12.13 Under a homesale program, may we pay an employee for losses he/she incurs on the sale of a residence?

No. But, this does not preclude your reimbursing a relocation services company for losses incurred while the contractor holds the property.

§ 302–12.14 Under a homesale program, may we direct the relocation services company to pay an employee more than the fair market value of his/her residence?

No. Under a homesale program you may not direct the relocation services company to pay an employee more than the fair market value (as determined by the residence appraisal process) of his/her home.

§ 302–12.15 May we use a relocation services contract for services which we are contractually bound to obtain under another travel services contract?

No. For example, you may not use a relocation services contract to circumvent the travel and transportation expense payment system contract if you are a user of that contract.

Subpart B—Employee's Use of a Relocation Services Company

Note to subpart B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–12.100 Am I eligible to use a relocation services company?

Yes, if you are an employee who is authorized to transfer.

§ 302–12.101 Must my agency allow me to use a relocation services company?

No. Your agency determines if you may use a relocation services company.

§ 302–12.102 Under what conditions may I use a relocation services company?

You may use a relocation services company if:

(a) You meet all conditions required for you to be eligible for an allowance contained in this chapter for which a service provided by the relocation services company would serve as a substitute, and you are authorized to use a specific relocation service provided by the company as a substitute;

(b) You have signed a service agreement; and

(c) You meet any specific conditions your agency has established.

§ 302–12.103 For what relocation services expenses will my agency pay?

Your agency will pay the relocation services company s fees/expenses for the services you are authorized to use. If your agency pays the relocation services company for actual expenses the company incurs on your behalf, payment to the company is limited to what you would have received under the direct reimbursement provisions of this chapter.

§ 302–12.104 If I use a contracted-for relocation service that is a substitute for reimbursable relocation allowance, will I be reimbursed for the relocation allowance as well?

No.

§ 302–12.105 What expenses will my agency pay if I use a relocation services company to ship household goods in excess of the maximum weight allowance?

Your agency will pay the portion of the fee attributable to 18,000 pounds net weight. You must pay the rest.

§ 302–12.106 What expenses will my agency pay if I use a relocation services company to sell or purchase a residence for which I and/or a member(s) of my immediate family do not have full title?

Your agency will pay the portion of the relocation services company's fee attributable to your pro rata share of the residence, as determined in accordance with § 302–6.1(f) of this chapter. You must pay any portion of the fee attributable to other than your pro rata share of the residence.

§ 302–12.107 If my agency authorizes me to enter a homesale program, must I accept a buyout offer from the relocation services company?

No. Your agency must give you the option to accept or reject an offer from the relocation services company.

§ 302–12.108 What are the income tax consequences if I use a relocation services company?

You may incur income taxes on relocation services provided by a relocation services company and paid for by your agency. Section 82 of the Internal Revenue Code states there shall be included in gross income (as compensation for services) any amount received or accrued, directly or indirectly, by an individual as a payment for or reimbursement of expenses of moving from one residence to another residence which is attributable to employment. You will receive a relocation income tax (RIT) allowance if your agency determines that such expenses are taxable. The Government does not assume responsibility for payment of your taxes, however, and you may wish to consult a tax professional on income tax reporting.

Dated: March 17, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7186 Filed 3–20–97; 8:45 am]

BILLING CODE 6820–34–P

41 CFR Parts 302–1 and 302–4

[FTR Amendment 63]

RIN 3090–AG19

Federal Travel Regulation; Fixed Amount Reimbursement for Househunting Trip Subsistence Expenses

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow an agency to pay a fixed amount for househunting trip subsistence expenses instead of a per diem allowance under the lodgings-plus reimbursement method. This amendment will save the Government money by easing the processing of relocation claims and will increase employee satisfaction with the relocation process.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force published 25 recommended travel management improvements in a JFMIP report entitled *Improving Travel Management Governmentwide,* dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1711 of the Act which provides the General Services Administration (GSA) authority to issue regulations which authorize agencies to reimburse a transferred employee a fixed amount for househunting trip subsistence expenses. This amendment is written in the ''plain English'' style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and to use.

How does this amendment change the allowance for househunting trip expenses?

This amendment provides agencies the alternative to reimburse employees a fixed amount without requiring receipts for househunting trip subsistence expenses instead of paying a per diem allowance under the lodgings-plus reimbursement method. This amendment also replaces the term ''travel to seek residence quarters'' with the term ''househunting trip.''

Under what circumstances will I be reimbursed a fixed amount for househunting trip subsistence expenses?

Your agency determines whether to authorize you a househunting trip, and if so, whether to offer you a ''fixed amount'' reimbursement for your subsistence expenses or a per diem allowance under the lodgings-plus reimbursement method. If offered the fixed amount option, you will have the discretion to choose between it and the lodgings-plus reimbursement method.

What effect does using the term ''househunting trip'' have on the allowance for househunting trip expenses?

Using the term ''househunting trip'' instead of ''travel to seek residence quarters'' has no effect on the allowance for househunting trip expenses. Use of this common vernacular term simply makes the FTR easier to read and to understand. The term ''househunting trip'' is broadly defined to include a trip to seek permanent quarters in a rental facility.

What is the ''plain English'' style of regulation writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question when referring to an agency, and an ''I'' question when referring to the employee.

How does the plain English style of regulation writing affect employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 302–1 and 302–4

Government employees, Travel and transportation expenses.

For the reasons set out in the preamble, 41 CFR chapter 302 is amended as follows:

PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

1. The authority citation for part 302–1 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—New Appointees and Transferred Employees

§ 302–1.7 [Amended]

2. Section 302–1.7 is amended by removing the phrase ''trips to seek residence quarters in § 302–4.1(c)(4)'' in paragraph (a) and adding in its place the phrase ''househunting trips in § 302–4.3(c)''.

3. Section 302–1.14 is amended by revising paragraph (a)(3)(ii) to read as follows:

§ 302–1.14 Use of funds.

(a) * * *

(3) * * *

(ii) Authorized househunting trips as set forth in § 302–4.16 of this chapter;

* * * * *

4. Part 302–4 is revised to read as follows:

PART 302–4—ALLOWANCE FOR HOUSEHUNTING TRIP EXPENSES

Subpart A—Employee's Allowance For Househunting Trip Expenses

Sec.

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

SUBPART A—EMPLOYEE'S ALLOWANCE FOR HOUSEHUNTING TRIP EXPENSES

Note to subpart A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–4.1 What is a ''househunting trip''?

The term ''househunting trip'' refers to a trip made by the employee and/or spouse to the new official station locality to find permanent living quarters to rent or purchase. The term ''living quarters'' in this part includes apartments, condominiums, and cooperatives in addition to townhomes and single family homes.

§ 302–4.2 What is the purpose of the househunting trip expenses allowance?

The allowance for househunting trip expenses is intended to facilitate and expedite the employee's move from the old official station to the new official station and to lower the Government's overall cost for the employee's relocation by reducing the amount of time an employee must occupy temporary quarters. The allowance for househunting trip expenses provides the employee and/or spouse a period of time to concentrate on finding a suitable permanent residence at the new official station and thereby expedites the employee's relocation.

§ 302–4.3 Am I eligible for a househunting trip expenses allowance?

You are eligible for a househunting trip expenses allowance if you are an employee who is authorized to transfer, and in addition:

(a) Both your old and new official stations are located within the United States;

(b) You are not assigned to Government or other prearranged housing at the new official station; and

(c) Your old and new official stations are 75 or more miles apart (as measured by map distance) via a usually traveled surface route.

§ 302–4.4 Who is not eligible for a househunting trip expenses allowance?

New appointees and employees assigned under the Government Employees Training Act (5 U.S.C. 4109) are not eligible for a househunting trip expenses allowance.

§ 302–4.5 Must my agency authorize payment of a househunting trip expenses allowance?

No. Your agency determines when it is in the Government's interest to authorize you a househunting trip and the procedures you must follow if it is authorized.

§ 302–4.6 Under what circumstances will I receive a househunting trip expenses allowance?

You will receive a househunting trip expenses allowance if:

(a) Your agency authorized you to perform a househunting trip in advance of the travel (the agency authorization must specify the mode of transportation and the period of time allowed for the trip);

(b) You have signed a service agreement;

(c) Your agency has established, and informed you of, the date you are to report to your new official station; and

(d) You meet any additional conditions your agency has established.

§ 302–4.7 Who may travel on a househunting trip at Government expense?

Only you and/or your spouse may travel on a househunting trip at Government expense.

§ 302–4.8 How many househunting trips may my agency authorize in connection with a particular transfer?

Your agency may authorize only one round trip for you and/or your spouse in connection with a particular transfer.

§ 302–4.9 May my spouse and I perform separate househunting trips at Government expense?

Yes. However, your reimbursement will be limited to the cost that would have been incurred if you and your spouse had traveled together on one round trip.

§ 302–4.10 How soon may I and/or my spouse begin a househunting trip?

You may begin your househunting trip as soon as your agency has notified you of your transfer and issued a travel authorization for a househunting trip. To take maximum advantage of your trip, however, it is very important that you become familiar as quickly as you can with your new official station area (e.g., housing market conditions, school locations, etc.). If you are selling your residence at your old official station, you should not begin your househunting trip until you have a current appraisal of the value of the residence so that you can more accurately determine the appropriate price range of residences to consider during your househunting trip.

§ 302–4.11 Is there a time limit on the duration of a househunting trip?

A househunting trip should be for a reasonable period, not to exceed 10 calendar days, as authorized by your agency under § 302–4.101(d).

§ 302–4.12 When must my househunting trip be completed?

You and/or your spouse must complete your househunting trip as indicated in the following table:

For	Your househunting trip must be completed by
You	The day before you report to your new official station.
Your spouse	The earlier of: (a) the day before your family relocates to your new official station; or (b) The day before the maximum time for beginning allowable travel expires (see § 302–1.6 of this chapter).

§ 302–4.13 What methods may my agency use to reimburse me for househunting trip expenses?

Your agency will reimburse your househunting trip expenses as indicated in the following table:

For	You are reimbursed
You and/or your spouse's transportation expenses.	Your actual transportation costs.
You and/or your spouse's subsistence expenses.	One of the following: (a) A per diem allowance for you and/or your spouse as prescribed under part 302–2 of this chapter; or (b) If you accept your agency's offer of the fixed amount option, and: (1) Both you and your spouse perform a househunting trip either together or separately, a single amount determined by multiplying the applicable locality rate (listed in appendix A to chapter 301 of this subtitle) by 6.25, or (2) Only one of you performs a househunting trip, an amount determined by multiplying the applicable locality rate (listed in appendix A to chapter 301 of this subtitle) by 5.

§ 302–4.14 What transportation expenses will my agency pay?

Your agency will authorize you to travel by the transportation mode(s) (e.g., airline, train, or privately owned automobile) it determines to be advantageous to the Government. Your agency will pay for your transportation expenses by the authorized mode(s). If you travel by any other mode(s), your agency will pay your transportation expenses not to exceed the cost of transportation by the authorized mode(s).

§ 302–4.15 Must I document my househunting trip expenses to receive reimbursement?

To receive reimbursement for househunting trip transportation expenses you must itemize your transportation expenses and provide receipts as required by § 301–11.3(c) of this subtitle. For fixed amount househunting trip subsistence reimbursement, you do not document your subsistence expenses. For per diem househunting trip subsistence expense reimbursement, you must itemize your lodging expenses and you must provide receipts as required by § 301–7.9(b) and § 301–11.3(c) of this subtitle.

§ 302–4.16 May I receive an advance of funds for househunting trip expenses?

Your agency may authorize an advance of funds, in accordance with § 302–1.14(a) of this chapter, for your househunting trip expenses. Your agency may not advance you funds in excess of the sum of your anticipated transportation costs and either the maximum per diem allowable under part 302–2 of this chapter for the location and duration of your househunting trip or your fixed amount househunting trip subsistence expenses payment, whichever applies.

§ 302–4.17 Am I in a duty status when I perform a househunting trip?

Yes.

Subpart B—Agency Responsibilities

Note to Subpart B: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–4.100 How should we administer the househunting trip expenses allowance?

You should administer the househunting trip expenses allowance to minimize or avoid its use when other satisfactory and more economical arrangements are available.

§ 302–4.101 What governing policies must we establish for the househunting trip expenses allowance?

You must establish policies and procedures governing:

(a) When you will authorize a househunting trip for an employee;

(b) Who will determine if a househunting trip is appropriate in each situation;

(c) If and when you will authorize the fixed amount option for househunting trip subsistence expenses reimbursement;

(d) Who will determine the appropriate duration of a househunting trip for an employee who selects a per diem allowance under part 302–2 of this chapter to reimburse househunting trip subsistence expenses; and

(e) Who will determine the mode(s) of transportation to be used.

§ 302–4.102 Under what circumstances may we authorize a househunting trip?

You may authorize a househunting trip on an individual-case basis when the employee has accepted the transfer and his/her circumstances indicate that a househunting trip actually is needed. You may not authorize a househunting trip when the purpose of the trip is to assist the employee in deciding whether he or she will accept the transfer.

§ 302–4.103 What factors must we consider in determining whether to offer an employee the fixed amount househunting trip subsistence expenses reimbursement option?

You must consider the following factors:

(a) *Ease of administration.* Payment of a per diem allowance under part 302–2 of this chapter requires you to review claims for the validity, accuracy, and reasonableness of each expense amount, except for meals and incidental expenses. Fixed amount househunting trip subsistence expenses reimbursement is easier to administer because you do not have to review expense amounts.

(b) *Cost considerations.* You must weigh the cost of each reimbursement option on a case-by-case basis.

(c) *Treatment of employees.* The employee is allowed to choose between a per diem allowance under part 302–2 of this chapter and fixed amount househunting trip subsistence expenses reimbursement when you offer the fixed amount reimbursement method. You therefore should weigh employee morale and productivity considerations against actual cost considerations in determining which method to offer.

Dated: March 18, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7236 Filed 3–20–97; 8:45 am]

BILLING CODE 6820–34–P

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41 CFR Part 302–1

[FTR Amendment 64]

RIN 3090–AG44

Federal Travel Regulation; Temporary Change of Station

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to allow an agency to pay a limited set of relocation allowances in connection with a temporary change of station for a period of not less than 6, nor more than 30, months. This amendment is intended to reduce Government expenditures for the long-term assignment of an employee to a temporary official station and to increase the employee's satisfaction by providing an alternative to a long-term temporary duty travel assignment that would involve a prolonged separation from his/her immediate family.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide*, dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1716 of the Act which provides the General Services Administration (GSA) authority to issue regulations permitting an agency pay a limited set of relocation allowances for a temporary change of station instead of paying temporary duty travel allowances when an employee is assigned to a temporary official station for a period of not less than 6, nor more than 30, months. This amendment is written in the ''plain English style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and to use.

What is the ''Plain English'' Style of Regulation Writing?

The ''plain English'' style of regulation writing is a new, question and answer format that is simpler to read and understand. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question and a ''you'' answer when referring to an agency, and an ''I'' question and a ''you'' answer when referring to the employee.

How Does the Plain English Style of Regulation Writing Affect Employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Part 302–1

Government employees, saved and transportation expenses.

For the reasons set out in the preamble, 41 CFR part 302–1 is amended as follows:

PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

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

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—New Appointees and Transferred Employees

2. Section 302–1.3 is amended by revising paragraph (a)(2) to read as follows:

§ 302–1.3 General provisions.

(a) * * *

(2) *Discretionary coverage.* The head of an agency, or his/her designee, may authorize the payment of travel and transportation expenses and applicable allowances in the case of:

(i) A new appointee, as defined in § 302–1.4(d), relocating from his/her place of actual residence at the time of appointment (or at the time following the most recent Presidential election, but before selection or appointment, in the case of an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities) for permanent duty to an official station; and

(ii) An employee authorized a temporary change of station under subpart C of this part in connection with the employee s long-term assignment to a temporary official station.

* * * * *

3. Part 302–1 is amended by adding subparts C and D to read as follows:

Subpart C—Employee's Temporary Change of Station

Sec.

Expenses Paid Upon Assignment

Expenses Paid During Assignment

Subpart C—Employee's Temporary Change of Station

Note to subpart C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–1.200 What is a ''temporary change of station (TCS)''?

TCS means the relocation of an employee to a new official station for a temporary period while the employee is performing a long-term assignment, and subsequent return of the employee to the previous official station upon completion of that assignment.

§ 302–1.201 What is the purpose of a TCS?

TCS provides agencies an alternative to a long-term temporary duty travel assignment to increase employee satisfaction and enhance morale, reduce the employee's income tax liability, and save the Government money.

§ 302–1.202 Am I eligible for a TCS?

Yes, if you are an employee who is directed to perform a long-term assignment at a temporary location, and you otherwise would be eligible for payment of temporary duty travel allowances authorized under chapter 301 of this subtitle. For exceptions, see § 302–1.203.

§ 302–1.203 Who is not eligible for a TCS?

The following individuals are not eligible for a TCS:

(a) A new appointee;

(b) An employee assigned to or from a State or local Government under the Intergovernmental Personnel Act (5 U.S.C. 3372, et. seq.);

(c) An individual employed intermittently in the Government service as a consultant or expert and paid on a daily when-actually-employed (WAE) basis;

(d) An individual serving without pay or at $1 a year; or

(e) An employee assigned under the Government Employees Training Act (5 U.S.C. 4109).

§ 302–1.204 Must my agency authorize a TCS when I am directed to perform a long-term assignment at a temporary official station?

No. Your agency determines the conditions under which a TCS is necessary to accomplish the purposes of the Government effectively and economically.

§ 302–1.205 Under what circumstances will my agency authorize a TCS?

Your agency will authorize a TCS when:

(a) You are directed to perform a long-term assignment at another duty station;

(b) Your agency otherwise could authorize temporary duty travel and pay travel allowances, including payment of subsistence expenses, under chapter 301 of this subtitle for the long-term assignment;

(c) Your agency determines it would be more advantageous, cost and other factors considered, to authorize a TCS; and

(d) You meet any additional conditions your agency has established.

§ 302–1.206 If my agency authorizes a TCS, do I have the option of electing payment of temporary duty travel allowances instead?

No.

§ 302–1.207 How long must my assignment be for me to qualify for a TCS?

Not less than 6 months, nor more than 30 months.

§ 302–1.208 What is the effect on my TCS reimbursement if my assignment lasts less than 6 months?

Your agency may authorize a TCS only when a long-term assignment is expected to last 6 months or more. If your assignment is cut short for reasons other than separation from Government service, you will be paid TCS expenses.

§ 302–1.209 What is the effect on my TCS reimbursement if my assignment lasts more than 30 months?

If your assignment exceeds 30 months, your agency must permanently assign you to the temporary official station or return you to your previous official station. Your agency may not pay for nontemporary storage or property management services incurred after the last day of the thirtieth month. Your agency must pay the expenses of returning you and your immediate family and household goods to your previous official station unless you are permanently assigned to your temporary official station.

§ 302–1.210 Is there any required minimum distance between an official station and a long-term assignment location that must be met for me to qualify for a TCS?

No. Your agency may establish the area within which it will not authorize a TCS.

§ 302–1.211 Must I sign a service agreement to qualify for a TCS?

No.

§ 302–1.212 What is my official station during my long-term assignment?

Your official station is the location of your long-term assignment.

Expenses Paid Upon Assignment

§ 302–1.213 What expenses must my agency pay for a TCS upon my assignment?

Your agency must pay the following:

(a) Travel, including per diem, for you and your immediate family under part 302–2 of this chapter;

(b) Transportation and temporary storage of your household goods under part 302–8 of this chapter;

(c) Transportation of a mobile home instead of transportation of household goods under part 302–7 of this chapter;

(d) A miscellaneous expenses allowance under part 302–3 of this chapter;

(e) Transportation of a privately owned vehicle(s) under part 302–10 of this chapter; and

(f) A relocation income tax allowance under part 302–11 of this chapter for additional income taxes you incur on payments your agency makes under the authority of this section and § 302–1.214 for your relocation expenses.

§ 302–1.214 What expenses may my agency pay for a TCS upon my assignment?

Your agency may pay the following:

(a) Househunting trip expenses under part 302–4 of this chapter; and

(b) Temporary quarters subsistence expenses under part 302–5 of this chapter.

Expenses Paid During Assignment

§ 302–1.215 If my agency authorizes a TCS, will it pay for nontemporary storage of my household goods?

Yes, when nontemporary storage is necessary. Nontemporary storage expenses include necessary packing, crating, unpacking, uncrating, transporting to and from place of storage, charges while in storage, and other necessary charges directly related to storage.

§ 302–1.216 How long may my agency pay for nontemporary storage of household goods?

For the duration of your long-term assignment.

§ 302–1.217 Is there any limitation on the combined weight of household goods I may transport or nontemporarily store at Government expense?

Yes, the maximum combined weight is 18,000 pounds net weight. If you transport and/or nontemporarily store household goods in excess of the maximum weight allowance, you will be responsible for any excess cost.

§ 302–1.218 What are the income tax consequences if my agency pays for nontemporary storage of my household goods?

You will be taxed on the amount of nontemporary storage expenses your agency pays. However, your agency will pay you a relocation income tax allowance under part 302–11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays.

§ 302–1.219 Will my agency pay for property management services when I am authorized a TCS?

Yes. Your agency will reimburse you directly for expenses you incur or make payments on your behalf to a relocation services company, if you so choose. The term ''property management services'' refers to a program provided by a private company for a fee, which assists you in managing your residence at your previous official station as a rental property. Services provided by the company may include, but are not limited to, obtaining a tenant, negotiating a lease, inspecting the property regularly, managing repairs and maintenance, enforcing lease terms, collecting the rent, paying the mortgage and other carrying expenses from rental proceeds and/or funds of the employee, and accounting for the transactions and providing periodic reports to the employee.

§ 302–1.220 What is the property for which my agency will pay for property management services?

Only your residence at your previous official station.

§ 302–1.221 How long will my agency pay for property management services?

For the duration of your long-term assignment.

§ 302–1.222 What are the income tax consequences when my agency pays for property management services?

You will be taxed on the amount of property management expenses your agency pays, whether it reimburses you directly for your expenses or pays a relocation services company to manage your residence. However, your agency will pay you a relocation income tax allowance under part 302–11 of this chapter for substantially all of the additional Federal, State and local income taxes you incur on the expenses your agency pays. You may wish to consult with a tax advisor to determine whether you will incur any additional tax liability, unrelated to your agency s payment of your property management expenses, as a result of maintaining your residence as a rental property.

Expenses Paid Upon Completion of Assignment or Upon Separation From Government Service

§ 302–1.223 What expenses will my agency pay when I complete my long-term assignment?

Your agency will pay the following expenses in connection with your return to your previous official station:

(a) Travel, including per diem, for you and your immediate family under part 302–2 of this chapter;

(b) Transportation and temporary storage of your household goods under part 302–8 of this chapter;

(c) Transportation of a mobile home instead of transportation of your household goods under part 302–7 of this chapter;

(d) Temporary quarters subsistence expenses under part 302–5 of this chapter;

(e) A miscellaneous expenses allowance under part 302–3 of this chapter;

(f) Transportation of a privately owned vehicle(s) under part 302–10 of this chapter; and

(g) A relocation income tax allowance under part 302–11 of this chapter for additional income taxes you incur on payments your agency makes under the authority of this section for your relocation expenses.

§ 302–1.224 If I separate from Government service upon completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

The same relocation expenses it would have paid had you not separated from Government service upon completion of your long-term assignment.

§ 302–1.225 If I separate from Government service prior to completion of my long-term assignment, what relocation expenses will my agency pay upon my separation?

If the separation is for reasons beyond your control that are acceptable to your agency, your agency will pay the same relocation expenses it would pay under § 302–1.224 if you separated from Government service upon completion of the long-term assignment. If this is not the case, the expenses your agency pays may not exceed the reimbursement that you would have received under chapter 301 of this subtitle had you been auhorized to perform temporary duty travel for the duration of the long-term assignment.

§ 302–1.226 If I have been authorized successive temporary changes of station and reassigned from one temporary official station to another, what expenses will my agency pay upon completion of my last assignment or my separation from Government service?

Your agency will pay the expenses authorized in § 302–1.223 for your relocation from your current temporary official station to your last permanent official station.

Permanent Assignment to Temporary Official Station

§ 302–1.227 How is payment of my TCS expenses affected if I am permanently assigned to my temporary official station?

Payment of TCS expenses stops once your temporary official station becomes your permanent official station. Your agency may not pay any TCS expenses incurred beginning the day your temporary official station becomes your permanent official station.

§ 302–1.228 What relocation allowances may my agency pay when I am permanently assigned to my temporary official station?

Your agency may pay the following:

(a) Travel, including per diem, under part 302–2 of this chapter for one round trip between your temporary official station and your previous official station for you and members of your immediate family who relocated to the temporary official station with you. Your agency may also pay the same expenses for a one-way trip from the previous official station to the new permanent official station for any immediate family members who did not accompany you to the temporary official station.

(b) Residence transaction expenses under part 302–6 of this chapter;

(c) Property management expenses under part 302–14 of this chapter;

(d) Residence-related relocation services expenses, (e.g. expenses under a homesale program, expenses for homefinding assistance, and property management services) under part 302–12 of this chapter;

(e) Temporary quarters subsistence expenses under part 302–5 of this chapter;

(f) Transportation of household goods not previously transported to the temporary official station under part 302–8 of this chapter; and

(g) Transportation of a privately owned vehicle(s) not previously transported to the temporary official station under part 302–10 of this chapter.

§ 302–1.229 If I am permanently assigned to my temporary official station, is there any limitation on the weight of household goods I may transport at Government expense to my official station?

Yes. You are limited to 18,000 pounds net weight. This maximum weight will be reduced by the weight of any household goods transported at Government expense to your temporary official station under your TCS authorization. Subject to the 18,000 pound limit, your agency will pay to transport any household goods in nontemporary storage to your official station. Additionally, if you change your residence as a result of your permanent assignment to your temporary official station, your agency may pay for transporting your household goods, subject to the 18,000 pound limit, between the residence you occupied during your temporary assignment and your new residence.

§ 302–1.230 Are there any relocation allowances my agency may not pay if I am permanently assigned to my temporary official station?

Your agency may not pay for the following:

(a) Expenses of a househunting trip for you and your spouse to your temporary official station under part 302–4 of this chapter; or

(b) Residence transaction expenses for selling a residence or breaking a lease at the temporary official station under part 302–6 of this chapter.

Subpart D—Agency Responsibilities for Temporary Change of Station

Note to subpart D: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–1.300 How should we administer our TCS program?

To minimize your travel and relocation costs.

§ 302–1.301 What governing policies must we establish for our TCS program?

Policies and procedures that govern:

(a) When you will authorize a TCS, including whether you will impose a minimum distance between the employee s current official station and the proposed temporary official station for an employee to qualify for a TCS; and

(b) Who will determine whether authorization of a TCS is appropriate in each situation.

§ 302–1.302 What factors should we consider in determining whether to authorize a TCS for a long-term assignment?

You should consider the following factors in determining whether to authorize a TCS:

(a) *Cost considerations.* You should consider the cost of each alternative. A long-term temporary duty travel assignment requires the payment of either per diem or actual subsistence expenses for the entire period of the assignment. This could be very costly to the agency over an extended period. A TCS will require fairly substantial relocation allowance payments at the beginning and end of the assignment, and less substantial payments for nontemporary storage and property management services, when authorized, during the period of the assignment. Agencies should estimate the total cost of each alternative and authorize the one that is most advantageous for the agency, cost and other factors considered.

(b) *Length of the long-term assignment.* You should consider the length of the long-term assignment. The purpose of temporary duty travel allowances is to reimburse an employee for additional costs, including subsistence costs, incurred as a result of performing official business away from his/her official station. An employee receives a salary intended to cover his/her living expenses, including subsistence costs, at the official station. When an employee performs a long-term assignment and obtains extended stay living accommodations with facilities not unlike those the employee has at the official station, the assignment characteristics may be more similar to subsisting at the official station than at a temporary duty station. When this situation occurs, payment of temporary duty travel allowances in addition to payment of salary creates an inequitable reimbursement situation between an employee performing official travel and an employee officially stationed at the same location. In this situation, you should strongly consider authorizing a TCS for a long-term assignment.

(c) *Tax considerations.* An employee who performs a temporary duty travel assignment exceeding one year at a single location is subject to income taxation of his/her travel expense reimbursements. An employee who is authorized and performs a TCS also will be subject to income taxation of some, but not all, of his/her TCS expenses. You will pay an offsetting relocation income tax allowance on an employee's TCS expense reimbursements but unless specifically authorized by statute, you do not have authority to pay such an allowance for income taxes incurred on temporary duty travel reimbursements. You, therefore, should authorize a TCS if a long-term temporary duty assignment will result in an unreimbursable income tax liability on an employee.

(d) *Employee concerns.* The long-term assignment of an employee away from his/her official station and immediate family may negatively affect the employee's morale and job performance. Such negative effects may be alleviated by authorizing a TCS so the employee can transport his/her immediate family and/or household goods at Government expense to the location where he/she will perform the long-term assignment. You should consider the effects of a long-term temporary duty travel assignment on an employee when deciding whether to authorize a TCS.

Dated: March 18, 1997.

Thurman M. Davis, Sr.,

Acting Administrator of General Services.

[FR Doc. 97–7237 Filed 3–20–97; 8:45 am]

BILLING CODE 6820–34–P

Friday
March 21, 1997

Part V

Environmental Protection Agency

40 CFR Part 60, et al.

Hazardous Waste Combustors; Continuous Emissions Monitoring Systems; Notice of Data Availability and Request for Comments; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 60, 63, 260, 261, 264, 265, 266, 270 and 271

[FRL–5711–5]

Hazardous Waste Combustors; Continuous Emissions Monitoring Systems; Proposed Rule—Notice of Data Availability and Request for Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability and request for comments.

SUMMARY: This announcement is a notice of availability and invitation for comment on the following reports pertaining to the proposed requirement for continuous emissions monitoring systems for hazardous waste combustors (61 FR 17358 (April 19, 1996)): *Site-specific Quality Assurance Test Plan: Method 301 Validation of a Proposed Method 101B for Mercury Speciation,* with Appendices, dated September 27, 1996; *Site-specific Quality Assurance Test Plan: Total Mercury CEMS Demonstration,* Volumes 1 and 2, dated October 11, 1996; *Site-specific Quality Assurance Test Plan: Particulate Matter CEMS Demonstration,* Volume 1, dated August 7, 1996; and *Status Report IV: Particulate Matter CEMS Demonstration,* Volumes 1, 2, and 3, dated February 12, 1997.

Readers should note that only comments about new information discussed in this notice will be considered. Issues related to the April 19, 1996, proposed rule and subsequent notices that are not directly affected by the documents or data referenced in this Notice of Data Availability are not open for further comment.

DATES: Written comments on these documents and this Notice must be submitted by April 21, 1997.

ADDRESSES: Commenters must send an original and two copies of their comments referencing Docket Number F–97–CS3A–FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), 401 M Street, SW., Washington, DC 20460. Comments may also be submitted electronically through the Internet to: rcra-docket@epamail.epa.gov. Comments in electronic format should also be identified by the docket number F–97–CS3A–FFFFF. All electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Commenters should not submit electronically any confidential business information (CBI). An original and two copies of the CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, OSW (5305W), 401 M Street, SW., Washington, DC 20460. For other information regarding submitting comments electronically, viewing the comments received, and supporting information, please refer to the proposed rule (61 FR 17358 (April 19, 1996)). The RCRA Information Center is located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia and is open for public inspection and copying of supporting information for RCRA rules from 9:00 a.m. to 4:00 p.m. Monday through Friday, except for Federal holidays. The public must make an appointment to view docket materials by calling (703) 603–9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Hotline at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired) including directions on how to access electronically some of the documents and data referred to in this notice electronically. Callers within the Washington Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). The RCRA Hotline is open Monday–Friday, 9:00 a.m. to 6:00 p.m., Eastern Time.

Documents referred to in this notice are available from two electronic sources: the CLU–IN and EMTIC bulletin boards. The CLU–IN bulletin board is accessible by modem at phone number 301–589–8366 or by Telnet at clu-in.epa.gov. The EMTIC bulletin board is accessible by modem at phone number 919–541–5742 or over the Internet at http://ttnwww.rtpnc.epa.gov/. The reader should note that figures, diagrams, and appendices may not be available in these electronic documents.

For other information on this notice, contact H. Scott Rauenzahn (5302W), Office of Solid Waste, 401 M Street, SW., Washington, DC 20460, phone (703) 308–8477, e-mail: rauenzahn.scott@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: On April 19, 1996, EPA proposed revised standards (herein referred to as ''the proposed rule'') for hazardous waste combustors (HWCs, i.e., incinerators and cement and lightweight aggregate kilns that burn hazardous waste). See 61 FR 17358.

I. Introduction and Background

In the proposed rule, EPA proposed requiring that continuous emissions monitoring systems (CEMS) for particulate matter (PM) and total mercury (Hg) be used for compliance with the proposed PM and mercury emission standards. To require CEMS for compliance the Agency, among other things, determines that the CEMS are commercially available and meet certain performance specifications. To make these determinations, the Agency routinely tests CEMS available in the marketplace. EPA published a notice inviting vendors of PM and Hg CEMS to participate in a CEMS demonstration test program. (See 61 FR 7232, February 27, 1996). Ten vendors responded to the Agency's invitation. They donated nine devices for the test program: six PM CEMS and three Hg CEMS.[1]

Today the Agency is providing notice and opportunity to comment on the following documents resulting from its CEMS demonstration test program: (1) *Site-specific Quality Assurance Test Plan: Method 301 Validation of a Proposed Method 101B for Mercury Speciation,* with Appendices, dated September 27, 1996; (2) *Site-specific Quality Assurance Test Plan: Total Mercury CEMS Demonstration,* Volumes 1 and 2, dated October 11, 1996; (3) *Site-specific Quality Assurance Test Plan: Particulate Matter CEMS Demonstration,* Volume 1, dated August 7, 1996; and (4) *Status Report IV: Particulate Matter CEMS Demonstration,* Volumes 1 and 2, dated February 12, 1997. The purpose of this notice of data availability (NODA) is to obtain comment on the Agency's approach, as described in these documents, prior to the end of the demonstration tests. Comments received will, to the extent possible, be incorporated into the demonstration test programs. EPA plans to follow this NODA with a second notice after the testing program has completed or is near completion. That final notice will contain what EPA believes will be final draft performance specifications for these CEMS.

The reader should note that one of these documents, the PM CEMS demonstration test status report, is a draft report which is evolving over time. The report will be added to and modified substantially as the program progresses. Therefore, conclusions and discussions in this report do not necessarily represent EPA's final views. They are included in this NODA so the reader can fully evaluate the Agency's

[1] One Hg CEMS vendor was unable to participate.

approach and comment on this approach prior to the end of the testing program.

The remainder of this notice describes the demonstration test programs for PM and Hg CEMS. It serves as an overview for the reader and brings to the reader's attention certain areas where EPA requires input.

II. The PM CEMS Demonstration Tests

A. Background

EPA previously tested PM CEMS at two other sites, the Rollins incinerator in Bridgeport, NJ, and the LaFarge cement kiln in Fredonia, KS. Both were short-term tests to determine whether further testing is warranted.

The purpose of the Rollins Bridgeport tests was to qualitatively determine whether vendor claims that PM CEMS can be used for compliance with a PM standard was feasible and to gain insights on the scope and nature of future tests. Three devices were tested at Rollins: a Sick RM200 light-scattering CEMS; a BHA CPM1000 time dependant optical transmission CEMS; and an Emissions SA Beta 5M β-gage CEMS.[2] Due to the limited nature of this investigation, though, there were certain deficiencies in these tests which make quantitative comparisons of this data to other data difficult. For instance a calibration of the instruments cannot be performed because manual method data was obtained over only two particulate emission loadings, the measured range of emissions was less than one-third of the proposed HWC PM standard, and only eight valid manual method measurements were made. However, we did determine that optically based PM CEMS, such as the light-scattering and time dependant optical transmission instruments, had a step function increase in their output when entrained water droplets were encountered in the gas stream.

Additional tests were conducted in May 1995 at the LaFarge cement kiln in Fredonia, KS. The purpose of these tests was to conduct a full calibration of the instruments in accordance with the ISO (International Standards Organization) specification, to better determine whether these CEMS could be used for compliance with a PM standard and whether the ISO performance specification could be used as a basis of a proposed PM CEMS performance specification, and to gain insights on future testing. Two devices were tested at LaFarge: the Sick monitor used in the Rollins tests and an ESC P5A.[3] Both are light-scattering devices. Both devices were installed in April 1995 and were operated continuously on the cement kiln through July 1995. At these tests, EPA successfully calibrated these devices in May 1995 using nine valid pairs of M5 runs at three PM loadings. Additional PM measurements were made approximately one and two months after the initial calibration. EPA gained the following insights during this test program:

—The ISO specification can be used as a basis for any performance specification EPA develops and that the instruments could be calibrated to particulate emissions obtained from manual method data.

—Response of the instruments to changing PM concentrations was generally better at this cement kiln than at the previous Rollins test.

—Statistics resulting from these calibrations barely passed the ISO specification. Other countries (such as Germany) suggest that 15 measurements be made instead of 9 to improve calibration statistics. Therefore, more than 9 measurements may be necessary.

—The current Method 5(M5) had limitations in measuring low-level particulate emissions due, in large part, to the difficulty of the extraction, filter recovery, and weighing steps. This limitation likely lowered the calibration statistics determined from the data obtained during these tests.

—PM CEMS could be used for compliance with a PM standard, but longer term demonstration testing is necessary to ascertain the device's long-term durability.

The calibration results are summarized in Table 1, below.

TABLE 1.—MAY 1995 CALIBRATION RESULTS FROM THE LAFARGE PM CEMS TESTS

CEMS	Correlation coefficient (r)	Confidence interval ($CI_{0.95}$) (percent)	Tolerance interval ($TI_{0.95}$) (percent)
ISO Performance Specification	0.90	25	35
Sick RM200	0.92	17	29
ESC P5A	0.90	20	32

B. Site Selection

For the PM CEMS demonstration tests, EPA selected the DuPont Experimental Station hazardous waste incinerator in Wilmington, DE. The DuPont incinerator receives a variety of wastes from many DuPont facilities in northern Delaware. As such the waste input to the incinerator is like that of many commercial incinerators.

The DuPont incinerator has a Nichols Monohearth as its primary combustion chamber. Waste is fed to this combustion chamber using a ram feeder for solid waste, a cylindrical chute for batched waste material, and a Trane Thermal liquid/gas waste burner. The primary chamber exhausts to a secondary chamber (afterburner) where waste is fed using a Trane Thermal burner. The flue gas then travels through a spray dryer, then through a cyclone separator, where dissolved and suspended solids are removed. The cyclone system discharges to a reverse jet gas cooler/condenser which reduces the gas temperature to the dew point. The flue gas then travels through a variable throat venturi scrubber which removes additional particulate and some acid gasses. The venturi scrubber exhausts into an absorber neutralized with soda ash scrubbing solution to absorb acid gasses. The absorber also subcools the flue gas before traveling through a chevron-type mist eliminator. After passing through the mist eliminator, the gas travels through a set of electro-dynamic venturis (EDVs) which are used to remove fine particulate along with metals that condense onto the fine particulate as a result of the gas subcooling. The gas then travels through a set of centrifugal droplet separators and an induction fan, is reheated to eliminate any visible plume, and is finally discharged to the atmosphere through the stack. A full description of the incinerator as well as

[2] The Beta 5M CEMS is participating in this demonstration as well.

[3] The ESC P5A CEMS is participating in this demonstration as well.

a diagram of the system is contained in section 2.2 of the PM Test Plan.

EPA chose to perform the PM CEMS tests at an incinerator because, under a normal range of operating conditions, incinerators present a worse case exhaust stream to challenge multiple PM CEMS technologies in a long-term test program. For the purpose of demonstrating the capabilities and limitations of PM CEMS, a worse case exhaust stream would consist of high moisture (i.e., greater than 20%), average PM levels below the proposed emission limit, and PM with a wide variation in physical properties (such as composition, particle size distribution, shape, color). Incinerators fulfill this worst-case need in three main ways. First, commercial incinerators and some on-site incinerators, including the DuPont facility, burn a wide variety of waste as their primary feedstream. The wide variety of the primary feedstock[4] has a higher potential to produce highly variable particulate, which is a worst case test for PM CEMS. This is not the case for cement or light-weight aggregate kilns (CKs or LWAKs, respectively.) These sources primarily feed particulate rich process ingredients (limestone and fly ash for CKs and slate, shale, and clay for LWAKs). As a result, PM in the flue gases from both CKs and LWAKs are likely to be overwhelmed by the process dust and be more uniform than those from an incinerator. Second, many incinerators are equipped with wet air pollution control system (APCS) technologies which are able to meet the proposed PM emission limit and produce high moisture. Finally, these APCS technologies produce a narrow PM size distribution (i.e., primarily less than 1 micron). This narrow size distribution is typical of emission levels from wet APCS technologies that are expected to be installed on HWCs to meet the upcoming MACT standards.

The DuPont incinerator was chosen because:

—PM emissions were expected to range from 0.005 to 0.075 gr/dscf (that is, 17 to 250% of the proposed HWC PM standard), depending on how the facility operated;
—The facility accepts ''small'' batches of many waste streams and has limited capacity to burn many waste streams simultaneously, thereby assuring more dramatic changes in particulate concentrations and physical characteristics in shorter time intervals, relative to a larger commercial facility;
—The facility has no ESP or fabric filter for PM control;
—The facility was willing to participate in the test program and allow necessary modifications to be made;
—The facility was willing and able to vary operating conditions as required to perform the PM CEMS calibrations; and
—Physical access, both for sampling in the stack and for equipment and personnel on the adjacent platform, was available to locate six PM CEMS and a test crew.

A detailed description of the site selection is located in section 1.4 of the PM Test Plan.

C. Revised Manual Method for PM

One issue which PM CEMS vendors raised and which was noted during the LaFarge tests was that the current manual method for PM (Method 5, herein refered to as M5,) may be inadequate to make the low-level measurements required for PM CEMS calibrations. EPA determined that much of this error comes from sample recovery and analysis. Stacks with high acid gas, water, and/or adhesive concentrations (i.e., cement kiln clinker) in the flue gas make the filter stick to the filter housing. As a result, filter recovery is difficult. For this reason, EPA chose to modify M5 slightly.

The modification employs the use of a light-weight filter assembly. The front-half and filter assembly are first pre-tared. The filter assembly then replaces the current M5 filter housing in the heated box. After measurement, the entire assembly is desiccated and weighed. This way the M5 extraction step is eliminated without making fundamental modifications to M5 itself. Given that this change to M5 is minor and only affects the extraction and analysis steps, EPA does not believe that a full field validation of the modification was necessary. Instead the Agency tested those parts of the method which changed to ensure that those parts of the process are as good as the current M5. EPA has initially determined that this modification is acceptable. Completion of this analysis, including a full write-up of the new method, is expected soon. A full description of this method will be given in the later CEMS NODA.

EPA expects this modified method for particulate measurements would be required for use when calibrating PM CEMS.

D. The PM CEMS Demonstration Test

The PM CEMS demonstration tests started in September 1996 and are expected to continue until May 1997 or later. The test program started with an initial calibration of the instruments and followed with response calibration audits (RCAs) and absolute calibration audits (ACAs) every four weeks. The program also involves continuously recording the CEMS data for the duration of the program, documenting daily calibration and zero checks, documenting all performed maintenance/adjustments, and documenting all periods in which data was not available.

A second important aspect of the demonstration tests is to evaluate the proposed performance specification and data quality objectives themselves. Proposed performance specification 11 (PS 11) was drafted and proposed with the idea that it would be modified based on what these tests showed. The final promulgated specifications will be based on the data obtained through these tests.

E. PM CEMS Technologies Tested

The six PM CEMS being tested represent three separate PM CEMS technologies: light-scattering, beta gage (β-gage), and impaction energy devices. Each technology is described below. Full descriptions of each PM CEMS are found in section 2.7 of the PM CEMS Test Plan and in the proposals submitted by the vendors. Vendor proposals are found in docket item S0205. All instruments participating in this program are provided to the government at no charge.

Light scattering devices work by sending a light beam across the flue gas and measuring the amount of light reflected back to a detector located at some angle (other than straight-path transmissivity) from the light source. These devices can be used either in-situ (i.e., in the stack) or extractively. These devices are not complex, relative to other instruments, and as such are relatively inexpensive to purchase. They also have few moving parts and consequently require little maintenance. These CEMS are, however, sensitive to PM characteristics, including composition, density, size distribution, and index of refractory. Three light scattering devices are participating in the program: Sigrist Photometer AG model KTNR (supplied by Lisle-Metrix), Durag model DR–300, and Environmental Systems Corporation (ESC) model P5A. All three CEMS are installed on more than a hundred stacks worldwide.

β-gage instruments continuously sample extracted flue gas PM on a filter tape. After the PM sample is collected, the tape moves so that the collected PM is located between a carbon-14 beta

[4] Feeds which affect PM emissions include metals, other solids, and chlorinated solvents.

radiation source and a detector. This measurement is compared to a measurement done on the blank filter to obtain the mass of the collected particulate. As such, these CEMS are continuous samplers but batch analyzers. These devices are quite complex and as a result cost more than light-scattering devices. Their complexity also means they require more maintenance and, as a result, experience more down-time than light-scattering devices. However, these devices are relatively independent of the PM characteristics and vendors claim a site-specific PM calibration is generally not required.[5] Two β-gage devices are participating in the program: Verewa model F–904–KD (supplied by Monitor Labs), and Emissions SA model Beta 5M (supplied by Environnement USA). Both CEMS are installed on more than a hundred facilities worldwide.

The third type of PM CEMS technology is an impaction energy device supplied by Jonas Consultants, Inc. This monitor operates by detecting shock waves caused by particles impacting a probe inserted into the flue gas. The device counts the number of impacts and the energy of each impact. This information, coupled with the knowledge of flue gas velocity, allows the calculation of particulate mass and thus concentration. However, the probe does alter the velocity profile of the flue gas near the probe which, in principle, affects the instrument's response. Thus, EPA believes a site-specific calibration is necessary to ensure good instrument response. This device has been installed at few locations, mainly for process control use in steam, and not for compliance with a flue gas PM standard.

F. Demonstration Test Report

EPA seeks comment on the document *Particulate Matter CEMS Demonstration: Status Report IV,* provided in the above referenced docket. This document describes the interim results from the PM CEMS demonstration tests EPA is conducting. It contains an analysis of data obtained from the initial calibration through the Relative Calibration Audit (RCA) in January 1997. Specific aspects of the report are discussed below. Subsection 1 describes the limitations EPA has experienced in this test program. Subsection 2 discusses general testing issues. Subsection 3 describes the PM CEMS performance characteristics observed during the initial (and subsequent) calibration and the RCAs. Subsection 4 describes issues associated with the proposed performance specifications.

Note that many of the issues described in this section may also apply to other CEMS, such as the Hg CEMS described in the next section. Consistency between the two programs will be maintained by handling similar issues in a similar manner in both programs.

Overall, EPA believes the PM CEMS demonstration is making progress. EPA was able to calibrate all of the installed devices. The subsequent RCAs have proved those calibrations to be reliable over time. EPA also believes that the proposed performance specifications will need to be modified based on the data and experiences coming out of this program.

1. Limitations of the Test Program

a. CEMS downtime. One limitation of the program is that, unlike facility personnel, EPA is not on-site all the time. As described in the test plans, EPA travels to the site every two weeks to, among other things, perform any maintenance the instruments might require. This causes CEMS downtime occurring during the program to be overstated relative to what a real facility would experience if it were using one of these instruments for compliance.

In addition, CEMS purchased by a facility usually come with a supply of spare parts so the facility can make minor repairs without incurring substantial downtime. In this program however, EPA was not supplied with many of the spare parts it would otherwise get if it had purchased the instruments. Parts required for routine maintenance must be ordered from the supplier as needed rather than drawing them from the facility's store of spare parts. It takes more time to order parts than to draw from the store of spare parts on-site, so the CEMS are down longer than they would be if the CEMS were purchased by a facility for compliance.

Finally, there tends to be no US-based, trained service technicians to conduct major repairs on many of these instrument. Technicians from the CEMS manufacturer's native country are often flown in to provide specialized service. Many of the parts must also be ordered from suppliers in other countries. This means that, if a major repair is required, service and parts must be obtained from overseas. This takes more time than it would if service and parts were available in this country, and further overstates CEMS downtime.

This is important because one thing EPA is trying to gage in this program is data availability. Data availability is one minus the CEMS downtime, expressed as a percentage. If downtime is overstated, data availability will be understated. EPA anticipates remedying this situation by subtracting out downtime associated with these limitations. For instance, if a CEMS requires a minor repair and goes down soon after EPA leaves the facility, the CEMS will be inoperable for two weeks, until EPA arrives back at the facility. If the repair takes eight hours to perform, then EPA will count the downtime as 8 hours, not two weeks. The same approach will be used for the Hg CEMS program as well.

b. Absolute Calibration Audits. In the proposed rule, EPA proposed requiring facilities to conduct ''Absolute Calibration Audits'' (ACAs) every quarter. These tests would be conducted with NIST traceable standards to ensure the analytical parts of the instrument were still working properly. Unfortunately, only two vendors (Sigrist and Durag) have supplied us with these standards. EPA will conduct ACAs on the instruments as the standards arrive.

At this time, NIST does not have traceable standards for these instruments. However, German TuV versions of these standards (called ''linearity test kits'') exist for most of these CEMS. We believe that these TV standards are sufficient substitutes for the yet-to-be-developed NIST standards to conduct the ACAs.

If these test kits are generally not available to facilities, then EPA solicits comment on whether the ACA approach should be modified. For instance, it might be adequate to require a device to make daily internal zero and span drift measurements and corrections. Most devices are already configured to make both zero and span drift measurements and corrections.

c. Inability to repeat tests. It is infeasible to repeat a test conducted under a set of conditions at this facility due to the wide variety of ''small'' batches of waste the facility processes and the hysteresis effect of the APCD. Like a commercial facility, this incinerator accepts a wide variety of wastes, both hazardous and industrial, from all DuPont facilities in northern Delaware. The incinerator often incinerates multiple wastes concurrently. Those wastes arrive at the incinerator in a random fashion. Batches are also quite small relative to what would be experienced at a commercial facility, meaning that transients in PM concentrations and characteristics are

[5] All PM CEMS in this testing program will be calibrated against the manual method. The claim that β-gage PM CEMS do not require a calibration will be tested as part of this test program.

more pronounced and shorter in duration.

Further complicating this is the fact that this incinerator is a zero water discharge facility. This means wastewater from the wet scrubber is recycled to the spray dryer (upstream from the scrubber) and injected back into the incinerator exhaust gas. This results in a hysterisis effect; wastes fed to the incinerator at one time accumulate in the pollution control system and affect the emissions later. Both situations affect our ability to repeat tests and, consequently, to show that CEMS have the same response to the same particulate at a later time.

d. Inability to test with entrained water droplets. One thing that attracted EPA to this facility was that it is an incinerator with a wet air pollution control system and a reheat system to vaporize water droplets that would otherwise be entrained in the stack gas. EPA anticipated being able to conduct tests with entrained water droplets in the stack by turning off the reheat system. The Rollins tests showed that entrained water droplets are mistaken as particulate by light-scattering PM CEMS. EPA wished to test the light-scattering devices with entrained water droplets so it could quantify the effects of entrained water droplets on light-scattering PM CEMS.

Such tests were planned and conducted in November 1996. But no entrained water droplets formed despite turning the reheat off. EPA and DuPont have since concluded that we are unable to predict when entrained water droplets will occur at the incinerator as currently configured.[6] Therefore, it is unlikely that EPA will be able to conduct tests with entrained water droplets as part of this program.

One approach EPA may take is to use the limited data EPA has from its earlier Rollins Bridgeport tests of PM CEMS and draw whatever conclusions it can from that data.[7] However, EPA believes this data is insufficient to quantify the effects of entrained water droplets. For this reason, EPA requests data which quantifies the effects of entrained water droplets on the calibration of light-scattering PM CEMS.

2. General Test Issues

a. Handling of Outliers. Two types of outliers were experienced so far in the program: paired data and statistical outliers. Each is discussed below.

i. Paired Data Outliers. EPA is conducting its PM measurements in such a way that a pair of (two) trains concurrently sample the flue gas at the same time in the same plane of the stack. The average of these two concurrent trains is the PM emissions measured by the manual method for a given run. This methodology usually means the results from the two trains are similar. This conclusion is substantiated by most of the data obtained during the test program.

However, there were instances when the results from the pair of concurrent trains differed substantially. This leads EPA to believe that there was a problem with one or both of the trains which comprise such a run. As a result, EPA developed a quality criteria requiring that the pair of trains which comprise a run not differ substantially. EPA quantitatively defined this substantial difference by looking at historical M5 data. Data indicate that results from paired trains such as these agree with a relative standard deviation (RSD) of 10%. Therefore, nearly all data should agree to within three times this RSD, or to within 30% of each other. If the results of paired trains disagree by more than 30%, the whole run would be thrown out.

EPA anticipates that other situations will arise in which it will need to disregard data which substantially differs from the historical data in other ways. The Agency would have serious reservations regarding this practice of defining what is or is not acceptable data after the fact if this were a compliance determination. However, this is not a compliance evaluation, and EPA does not believe the same cautions apply. In addition, EPA is unable to develop these quality criteria prior to the start of the program because it does not have a history of PM data from this facility upon which to base such quality criteria. EPA believes this approach of developing quality criteria as the program progresses is reasonable given the unique situation here.

ii. Statistical Outliers. Another type of outlier data experienced during the program is referred to as ''statistical outliers.'' Statistical outliers are data which are more than three (3) standard deviations away from the linear regression line that represents the calibration of the instruments. EPA does not have an opinion on how to handle statistical outliers and requests comment on how to proceed.

In implementing manual calibration tests for other CEMS, EPA routinely allows outliers of this kind to be disregarded when developing the calibration curve. The Agency's logic for disregarding this data is that it is known that the manual method sometimes dramatically under-reports emissions for unknown reasons.[8] Using this outlier data in the calibration of other CEMS is unwise because: (1) The error cannot be accounted for by known science; and (2) eliminating the data causes the slope of the calibration curve to be steeper (i.e., numerically larger), therefore it is protective of the environment to exclude this outlier data. In the case of other CEMS, the statistical difference is reasonable justification for proving that a problem occurred while obtaining that data point.

Upon closer examination here, however, it is not clear whether the fact that the data appears to be statistically different is ample justification to disregard the data. Statistical tests usually involve the testing of a sample population to see if the sample data is from the same population as data you are comparing it to. It involves establishing a null hypothesis which states that the sample is part of the population (H_0: $\mu_s = \mu_p$ or $\sigma_s^2 = \sigma_p^2$, that the mean or variance, respectively, of the sample data is equal to that of the population). If the statistical test infers that the null hypothesis is not true, then an alternate hypothesis, stating that the data is from a different population than the one you are comparing it to, is accepted (H_A: $\mu_s \neq \mu_p$ or $\sigma_s^2 \neq \sigma_p^2$, that the mean or variance, respectively, of the sample data is different than that of the population). In our case here, the

[6] Apparently, there is a 35°F temperature increase across the induction fan that can not be overcome.

[7] Based on the Rollins data, EPA qualitatively concluded that while entrained water droplets did induce a step function increase in the output from in-situ light-scattering PM CEMS, it did not affect the calibration so much as to cause the calibration to fail under this condition. The step function increase was caused by the in-situ light-scattering PM CEMS mistaking entrained water droplets for particulate.

This leads EPA to believe that a facility which uses an in-situ light-scattering PM CEMS for compliance and has entrained water droplets in the stack gas may experience situations where the actual PM emissions are lower than those reported by the monitor. The risk for a such a facility which is in compliance with the PM standard is that it may experience an increased number of false non-compliances with the PM standard. EPA hopes to quantify the effects of entrained water droplets on light-scattering PM CEMS so it can quantify the risks associated with a false non-compliance in this situation.

This possible false non-compliance possibility can be avoided if the light-scattering PM CEMS is configured such that it extracts flue gas from the stack, heats it to above the highest possible dew point temperature, and measures the heated, extracted gas. One light-scattering PM CEMS in the program is so configured. Others can be similarly configured to avoid this potential problem. The trade-off is that extractive light-scattering PM CEMS cost more than in-situ units.

[8] It is believed that the cause is a manual method sample is not obtained due to spacial differences between the sampling locations of the manual method and CEMS.

fact that a statistical outlier is more than three standard deviations away from the linear regression line would likely lead one to reject the null hypothesis and say that the outlier is from a different population than what is represented by the linear regression line. After determining the data are different, one must determine why. This analysis is important because it will help determine whether the data should be kept in the original sample or disregarded.

This situation differs from the other CEMS case because PM CEMS have known sensitivities to changes in what they are measuring, i.e., moisture and the particle's characteristics, such as density, shape, size distribution, refractory (color), etc. Unfortunately, we do not know the effects of these changes on the outputs of PM CEMS.[9] In other words, EPA is uncertain whether the statistical outliers were caused by an error in the manual method measurement process (in which case the data would be thrown out) or if the error was caused by the CEMS overstating (or understating) the PM emissions due to changing particulate properties (in which case the data would be kept in the data set). In addition, most of the statistical outliers experienced in this program are ones in which the manual method result is higher than what the PM CEMS report. Therefore, it would likely be more appropriate to keep the data in the data set in this case.

EPA is currently pursuing statistical ways of dealing with outliers and requests comment on how to deal with this situation. One alternative is to establish a stringent specification for the correlation coefficient (yet within the bounds of the data obtained in this program) and allow facilities to throw out, but report, data that is farthest away from the linear regression line. ''Farthest away'' could be defined on either a relative or absolute standard deviation basis. The facility would then substitute in better data if needed to meet the minimum number of samples or other performance specification requirements.

b. Extrapolating Data. Another issue is that this facility, while having a PM permit limit of 0.08 gr/dscf, cannot emit that much particulate. We expect that similar situations exist throughout the industry. This is a concern because EPA proposed that facilities calibrate their PM CEMS to up to two (2) times the emission limit. If it is physically impossible for a facility to emit this much particulate, it obviously cannot calibrate the instruments that high.

Therefore, the Agency seeks comment on whether the following approach is acceptable. EPA believes a facility should calibrate the CEMS up to the point where, based on historical data the facility has, the facility is producing the most particulate. This point will serve as the ''high'' calibration range for this facility's PM CEMS. In addition, the facility would use the available data and extrapolate the linear regression line beyond the high calibration range for instances where the emissions are higher than the historical data indicate. As the historical data grow for this facility, the facility may notice times when the PM emissions are more than what the previous historical data indicated. In this event, the facility would re-calibrate the CEMS under the previously unknown condition(s) which result in higher emissions than the old historical data indicated.

A unique case exists when the highest possible emission level is less than the emission standard. In this case the calibration data point resulting in the highest PM CEMS output would be the point where the confidence and tolerance interval tests would be conducted.[10]

c. Correcting for temperature and dry basis. Some of the PM CEMS need to correct their output for stack temperature and moisture. These corrections have not been done for the data in this report. While these corrections will have a minor effect, the data will change slightly after the corrections are made. EPA is now correcting the data to account for changes in temperature and moisture. Future reports will report all data properly corrected for temperature and moisture.

3. PM CEMS Performance Characteristics

One important aspect of the program is to test and verify that the performance of these devices meet the characteristics described in the proposed performance specification (PS) 11. It also serves as a test of the performance specification itself and proposed data quality objectives for CEMS described in the proposed Appendix to Subpart EEE. Data from this demonstration test program will be used to revise PS 11 and the data quality objectives as necessary.

Table 2 lists each of the monitors being tested, the proposed performance requirement for the devices, and the actual performance observed during the test program.[11] The results in Table 2 do not include data outliers which have been excluded from the analysis, such as ''paired data outliers.'' The reader should note that the correlation coefficient, confidence interval, and tolerance interval tests apply only to the calibration. These values are reported, however, for subsequent RCAs even though they do not apply in this situation. Specific discussion on each performance specification is discussed, below.

EPA has been able to generate a linear regression line for the various PM CEMS. Performance of the devices are nearly identical when one compares the performance of an in-situ device to the other in-situ device and extractive devices to one another. In-situ units seem to show better performance than extractive units regardless of technology of the CEMS.

[9] EPA's Office of Research and Development recently concluded a study of how changes in particulate properties affect the output of PM CEMS. The report describing the results of this study is not expected to be completed until September 1997.

[10] The proposed performance specification states that the 95% confidence interval for the calibration curve must be no more than ± 20% of the emission limit at the emission limit. This is a single point test. In the case where a facility cannot calibrate up to or above the emission limit, the 95% confidence interval test for the calibration curve would be ± 20% of the emission limit at the point resulting in the highest PM CEMS output. The same approach would be used for the tolerance interval test as well.

[11] Results from the Jonas analyzer, however, is not reported. The Jonas analyzer reported results in terms of emission rate (g/s) rather than emission concentration (mg/dscm). Time is needed to analyze and correct how to correct these values to the proper units.

TABLE 2.—PERFORMANCE CHARACTERISTICS OF THE PM CEMS BEING TESTED

Performance specification		Correlation coefficient (r)	Confidence interval ($CI_{0.95}$)	Tolerance interval ($TI_{0.95}$)	RCA test ($TI_{0.95}$)	Calibration drift (CD)	Zero drift (ZD)
CEMS	Date of test						
		>0.90	±20% at emission limit	±35% at emission limit	≥75% of data within $TI_{0.95}$	±2% of the calibration standard	±2% of the emission limit
ESA	Cal.	0.55	26	38		Pass	Pass.
	01/97	0.92	21	25	75	Pass	Pass.
	All Data	0.46	35	40			
Verewa	Cal.	0.69	27	32		No data	Pass.
	12/96	0.86	24	20	100	No data	Pass.
	01/97	0.93	18	25	100	Fail	Pass.
	All data	0.76	18	23			
Durag	Cal.	0.72	22	36		Pass	Pass.
	11/96	–0.38	52	77	75	Pass	Pass.
	12/96	0.91	45	73	100	Pass	Pass.
	01/97	0.93	20	22	100	Pass	Pass.
	All data	0.61	20	35			
ESC	Cal.	0.71	22	36		Pass	Pass.
	11/96	0.87	24	31	88	Pass	Pass.
	12/96	0.92	42	69	100	Fail	Pass.
	01/97	0.93	20	23	100	Pass	Pass.
	All data	0.68	18	32			
Sigrist	Cal.	0.64	25	40		Pass	No data.
	11/96	0.87	24	31	88	Pass	No data.
	12/96	0.90	47	77	100	Pass	No data.
	01/97	0.92	21	24	100	Pass	No data.
	All data	0.64	19	33			

Note to Table 2: The initial calibration for the Durag, ESC, and Sigrist units was performed in September and October 1996. The initial calibration for the Verewa unit was performed in September and November. The initial calibration for the ESA unit was performed in September and December.

a. Correlation Coefficient (r). Proposed PS 11 states that the correlation coefficient be at least 0.90 (See § 4.2.1). Tests to date indicate that EPA may be unable to produce a linear regression line which correlates as well as the proposed performance specification indicates.[12] EPA believes this is caused by the fact that this facility is a worst-case facility for this demonstration test program. EPA believes the correlation coefficient specification may have to be lower based on the results of this testing.

Particulate properties depend largely on the wastes fed and the accumulated particulate in the APCS. These properties vary considerably at this facility, just as the types of wastes fed to the unit vary. This variability in the particulate properties causes a varied response from the PM CEMS, which in turn causes the correlation coefficient to be lower than anticipated. This can be avoided by developing a calibration curve for every possible set of particulate properties. However as described in the next paragraph, this may not be possible at this facility.

The calibration tests were done under as wide a variety of operating conditions as possible. The proposed performance specifications and data quality objectives would make a facility such as this incinerator to have one calibration for every given operating condition, not one that fits all situations as EPA did here. The Agency now believes the proposed approach may not be possible for this source. As mentioned, particulate does accumulate in the APCS causing wastes fed at one time to influence the type of particulate that is emitted later. In addition, the wastes arrive at the incinerator in a random, uncontrollable manner and in ''small'' batches. This makes it extremely difficult for a facility such as this one to determine what calibrations it needs and which of those calibrations to use at any given time. It might be best for a facility such as this one to have one, not many, calibrations to simplify compliance. EPA seeks comment on whether this approach, having one calibration curve to cover every circumstance rather than several for each circumstance, is acceptable.

b. Confidence Interval ($CI_{0.95}$). Proposed PS 11 states that $CI_{0.95}$ be within ± 20% of the emission limit at the emission limit. (See § 4.2.2). This test is done by taking the data from the initial (or subsequent) calibration, calculating the 95% confidence interval for the regression line, and verifying that the upper confidence limit at the emission standard is less than the emission standard plus 20% and that the lower confidence limit at the emission standard is more than the emission limit minus 20%. In other words, this is a single point test at the emission limit.[13] Based on standards proposed for HWCs, this means the upper confidence limit must be less than 83 mg/dscm and the lower confidence limit more than 55 mg/dscm calculated at the emission limit.

Confidence intervals calculated for these PM CEMS are higher than, but close to the proposed specification. This higher value for the confidence interval is probably the result of EPA's approach of generating one calibration curve at this worst-case facility.

c. Tolerance Interval ($TI_{0.95}$). Proposed PS 11 states that $TI_{0.95}$ be within ±35% of the emission limit at the emission limit. (See § 4.2.3). This test is done by taking the data from the initial (or subsequent) calibration, calculating the 95% tolerance interval for the regression line, and verifying that the upper tolerance limit at the emission standard

[12] Time constraints have required the Agency to temporarily ignore the quadratic regression approach described in the performance specification. This analysis will be done for the final report and the curve which best fits the data will be presented.

[13] See above for the discussion of what to do when it is not possible to calibrate to the emission limit.

is less than the emission standard plus 35% and that the lower confidence limit throughout the calibration range is more than the emission limit minus 35%. Like the correlation interval test this is also a single point test.[14]

The calculated tolerance intervals for the various PM CEMS being tested are, like the confidence interval, higher than but close to the proposed specification.

d. Relative Calibration Audit (RCA) Tests. The proposed data quality objectives state that, to pass an RCA, 75% of the RCA data must lie within the 95% tolerance interval. (See § 5.2.3.1 of the proposed appendix to Subpart EEE.) All the CEMS passed all the RCAs. Therefore, the initial calibration is still valid over time despite the changing operating conditions at the facility.

e. Calibration and Zero Drift (CD and ZD). Proposed PS 11 states that CD be within ±2% of the calibration standard and that the ZD be within ±2% of the emission limit. (See §§ 4.3 and 4.4, respectively). This test would be done during the ACA tests, which the proposed quality assurance requirements stated would be done on a quarterly basis.

As discussed above, most of these CEMS internally check zero and/or calibration drift every day. In cases where one or more of the checks are not internally done, traceable standards are required to perform the check. Most vendors have not supplied these NIST traceable standards (or an acceptable substitute) for the ACAs. The ACAs for this test program will be done every 4 weeks for these missing parameters as soon as EPA obtains these standards from the vendors.

Where data is available, most CEMS routinely pass the zero and calibration checks. In instances where the drift test is failed, the CEMS automatically adjusts the failed parameter to within specifications. EPA is now quantifying the ''Pass'' and ''Fail'' indicators shown in the table. Future reports will quantify values for zero and calibration drift rather than express them in the qualitative terms ''Pass'' and ''Fail''.

f. Response Time—Continuous CEMS. Proposed performance specification 11 states that continuous-type CEMS respond to a step increase in such a way that the CEMS achieve 95% of the final stable reading within 2 minutes of the start of the step increase. (See § 4.5.1). This requirement is to be certified by the vendors. The vendors participating in this program have done so. This specification will not be tested during this program unless EPA believes the response time is suspect.

g. Response Time—Batch CEMS. Proposed performance specification 11 states that the response (i.e., sampling) time for batch-type CEMS be no more than one-third of the averaging period. (See § 4.5.2). The sampling time for these CEMS are on the order of minutes while the averaging period for the PM standard was proposed to be two hours, so this requirement has been met.[15] But this specification does raise several issues which deserve consideration here.

While the response time requirement is met for the averaging period associated with the standard, ten minute and one hour averages were proposed for PM CEMS when used as an operating parameter, i.e., all times other than during a comprehensive performance test. The sampling time for these devices is less than one third of the one hour average, but not less than one third of the short term ten minute average. Further complicating this is the fact that the sampling period for these devices, while less than ten minutes, is more than half of ten minutes. The result is that no averaging could be done to assure compliance with a ten minute average. This raises the issue of whether the sampling period for PM CEMS needs to be less than one third of the ten minute average. EPA believes not, since this requirement is based on EPA's belief that a facility will want to base compliance on the average of at least three data points. If a facility is willing to base compliance on fewer than three data points, it could be allowed to do so. This is particularly true for a ten minute average which is likely to be quite high relative to the standard or the one hour average. Nonetheless, EPA seeks comment on how to address this for the final rule.

4. Issues Relative to the Draft Performance Specification 11 for PM CEMS

a. Performance Specifications which Apply for the Calibration Curve. The proposed data quality objectives were specific that a tolerance interval test be used during an RCA to determine whether the calibration curve is still valid. However, the data quality objectives were silent on what tests apply to determine whether the initial calibration is valid. For this reason, EPA wishes to clarify this point.

To test the validity of the calibration curve, one must check to make sure the calibration curve passes the correlation coefficient (r), confidence interval, and tolerance interval tests. The correlation coefficient is a test of the curve's overall fit. If the calculated correlation coefficient is greater than the one published in the performance specification, the calibration curve is acceptable. The confidence interval test is a single point test at the emission limit.[16] This verifies the fit of the calibration at the emission limit, a critical point when using a CEMS for compliance. The tolerance interval test is similar to the confidence interval test in that it is a single point test.

The confidence interval and tolerance interval tests, though, may be redundant. Therefore, we seek comment on whether only one of these tests should be used. There is merit to keeping both tests, though. The confidence interval test, for instance, ensures that the calibration curve is accurate at the standard, a point where a high degree of accuracy is required. The tolerance interval test is unique in that it sets the maximum deviation the tolerance interval lines can be from the linear regression curve at 35% of the emission limit. Therefore, commenters should focus their comments on whether these tests are indeed redundant. Would a failure of one test conclusively mean the other test is also failed? Conversely, would passing one conclusively mean a facility would pass the other? If so, which of these tests is more stringent?

b. Number of Tests for the RCA. During the course of this test program, EPA has learned that it might be wise to standardize the number of tests required for the RCA.[17] Other Appendix B performance specifications require that 12 tests be performed for relative accuracy test audits (RATAs). (RATAs are the equivalent to the RCA here.)

EPA believes the following approach would be acceptable for RCAs and requests comment on it. A facility

[14] Again, see above for the discussion of what to do when it is not possible to calibrate to the emission limit.

[15] One of the β-gage devices has two sample collection tapes to allow for the continuous sampling of flue gas, but the other does not. The truly continuous unit collects particulate on one tape as the second tape is being analyzed. The unit with one tape samples the extracted gas onto that tape and then analyzes it. This unit is not a continuous sampler since it is not sampling stack gas while measuring the accumulated particulate on the tape. The device with one tape could be configured with two tapes to allow for the continuous sampling of stack gas. It was not configured with two tapes for this test program because the vendor was unwilling to incur the cost of supplying such a device for this test program.

[16] See above for the special case where a facility cannot calibrate the PM CEMS to the emission limit.

[17] Section 7.3 of the proposed performance specification 11 for PM CEMS states that the number of tests required for a response calibration is 15. This should not be confused with the number of tests for a relative calibration audit. Section 7.3 does not apply to RCAs.

would perform up to 12 manual method measurements. Manual method tests may be disqualified and fewer than 12 used if they fail method QA/QC or the facility's internal data quality standard, but in no case may the number of RCA tests be lower than 9. If fewer than 9 measurements remain after the quality audit of the data, a new RCA test is required. To pass an RCA, more than 75% of the qualifying, good data must lie within the tolerance interval lines.

III. The Hg CEMS Demonstration Tests

A. Site Selection

For the Hg CEMS demonstration tests, EPA selected the Holnam cement kiln #2 in Holly Hill, SC. This cement kiln co-fired hazardous waste with other fuels, including fossil fuels such as coal. As such, this cement kiln is like many other hazardous waste burning cement kilns.

Holnam Holly Hill kiln #2 is 18.5 feet wide and 580 feet long with a design capacity of 2,100 tons of clinker per day. The main ingredients in the cement production are limestone, clay, alumina, and iron. The facility also obtains additional raw materials, such as fly ash, to supplement raw materials. Raw materials are ground, mixed with water, and fed to the cold end of the kiln at a solids content of about 65%. The hot (discharge) end of the kiln is fired primarily by coal, but petroleum coke, waste carbon, shredded tires, hazardous waste, fuel oil, and natural gas can also be fired. Kiln #2 has a rated capacity of 600 M–Btu/hr. Gases pass through the electrostatic precipitators (ESPs) specifically designed and built for this facility, through a transfer duct, and out the exhaust stack.

EPA chose to perform the Hg CEMS tests at a cement kiln for many reasons. CKs tend to have higher levels of mercury in their flue gas, relative to an incinerator or an LWAK, because mercury is fed to the kiln in the raw material used for cement production. Other HWCs can better avoid mercury in their feed materials, so it is less likely that mercury would be present in the flue gases of those sources. Therefore, a useful Hg CEMS demonstration program can be conducted at a CK since it has mercury in the flue gas. CKs also have higher PM emissions relative to other sources. The PM is also likely to contain mercury. This is because the PM is derived in large part from the raw material that, in turn, can be a significant source of the mercury fed to the kiln. Particle bound mercury is difficult for Hg CEMS to measure, so this represents a worst case for these instruments. Finally, CKs tend to have air pollution control equipment to control PM only. Other pollutants are uncontrolled and may be present at high concentrations. Since these pollutants, such as SO_2 and NO_X, may interfere with the Hg CEMS's ability to measure mercury, this again is a worst case situation for Hg CEMS.

The Holnam Holly Hill cement kiln #2 was chosen because:

—Data indicated the mercury concentration in the flue gas is 17 μg/dscm without the need to spike mercury;
—The facility was willing to host the demonstration and allow the necessary facility modifications;
—Physical access was available at the transfer duct and stack; and
—There was room for installing the Hg CEMS analyzers close enough to the sampling point to meet the monitor's maximum sample line requirements.

A detailed description of this selection decision is found in Section 1.3 of the Hg Test Plan.

B. Speciated Hg Manual Method.

One aspect of the program is to determine how well these Hg CEMS measure all species of mercury.[18] Some mercury monitors measure just elemental mercury. Total mercury monitors, or Hg CEMS like those participating in this program, measure all mercury regardless of species. Most Hg CEMS measure total mercury by first converting all mercury to elemental mercury and measuring the amount of elemental mercury in the treated flue gas. Converting all mercury to elemental mercury adds much complexity to the instrument.

At the start of this program, no method had been validated to measure mercury by species. Many types of speciated mercury methods are currently being developed, so EPA chose to validate one of those methods to use in this program. This speciated mercury method is tentatively called Method 101B.[19] The report, *Site-specific Quality Assurance Test Plan: Method 301 Validation of a Proposed Method 101B for Mercury Speciation, describes the methodology used to validate the method.*

While EPA is not ready to release the final report on this validation, some mention of its validation status is warranted here. The method passed all Method 301 criteria without correction with the exception of ionic mercury. The Agency has not yet concluded whether the method passed for ionic mercury. The issue for ionic mercury is that the $HgCl_2$ spiking used for the validation varied so much that it caused the calculated relative standard deviation to be much greater than Method 301's criteria of 0.50. EPA is now studying how to eliminate the effects of $HgCl_2$ spiking from the data. We will release the final validation report after this concern has been addressed.

Finally, EPA has not yet determined whether this validation at this cement kiln can be transferred to other sources. Mercury species, primarily ionic forms such as $HgCl_2$, are very difficult to generate, transport, and measure. EPA plans to use this method at other sources. Prior to doing so, though, we will perform tests to determine how well the validation at the cement kiln transfers to these other sources. After this work is completed, EPA will be able to determine whether this method should work at other sources. Until this is done, however, EPA recommends that a facility wishing to measure mercury by species first conduct a full Method 301 validation of the speciated mercury method prior to using it.

The reader should note that EPA has no plans to require facilities to use M101B. It was validated so EPA could answer questions it had regarding the ability of the Hg CEMS to measure all species of mercury simultaneously. A facility would continue to use Method 29[20] to measure stack mercury emissions, including any stack tests required for Hg CEMS.

C. The Test Plan

Testing started in August 1996 and continued through September. In October we discovered that all the Hg CEMS had suffered equipment failures. EPA met with the Hg CEMS vendors soon after the problem was discovered, and vendors responded to EPA's data availability concerns by increasing the ruggedness of their equipment. Testing resumed in December 1996. The monitors have responded with less failures since the modifications were made.

As was the case in the PM CEMS testing program, relative accuracy test

[18] For the purposes of this discussion, mercury species are defined as particle bound, ionic, and elemental mercury.

[19] The reader should note that many methods are currently being developed to speciate mercury emissions. One of those other methods may be better than the method chosen here. This method was chosen because EPA knows how to perform this method. Other methods are not so well documented. Eventually a method other than the one used here may be adopted as the EPA method for mercury speciation.

[20] Likewise, a facility could also use Method 101A. M101A is a mercury-only emission measurement method. M101A is identical to M29 except it uses mini-impingers.

audit (RATA) and ACA tests are being performed every four weeks. Testing is expected to continue through May 1997 or later.

An important aspect of the Hg CEMS demonstration tests is to test the performance specifications themselves. Revised specifications will be promulgated based on the data obtained here and comments received in response to the CEMS NODAs.

Vendor proposals for this test program are found in docket number S0205.

D. Hg CEMS Demonstration Test

Due to the sudden stop and restarting of the Hg CEMS demonstration test program, EPA is not prepared to release an interim report for this test program. EPA does request comment on the approach we are using to demonstrate these Hg CEMS and how to address the variability of spiking during the ACA test.

1. Hg CEMS Demonstration Test Approach

The Agency's approach to demonstrating the Hg CEMS can be found in the document, *Site-specific Quality Assurance Test Plan: Total Mercury CEMS Demonstration.*

2. ACA Tests and Spike Variability

As described in the section above concerning the Method 101B validation, similar problems have been encountered spiking known concentrations of elemental (Hg^0) and ionic (Hg^{+2}) mercury to the CEMS. NIST traceable permeation tubes are available for Hg^0, but not for Hg^{+2}. As a result, performing ACA tests on the Hg CEMS with Hg^{+2} is very difficult. EPA believes it may need to modify the proposed performance specification to take this into account.

Therefore, EPA now believes it is prudent to have facilities conduct ACA (i.e., linearity) tests with Hg^0 only. Facilities would then use this ACA to determine whether the calibration of the monitor is still valid and, if it fails the ACA (or if this ACA is the first performed), use the ACA results as the basis for a new calibration. Spiking with Hg^{+2} would be done only for the purposes of ensuring the Hg CEMS adequately measured Hg^{+2}. In other words, the Hg^{+2} test would resemble the NO_X converter efficiency test prevalent for NO_X CEMS. In this case a facility would spike an amount of Hg^{+2} within some range (for instance, within 75 to 125% of the emission standard) and ensure that the measured amount of Hg reported by the analyzer is within an acceptable range (for instance, within ±20%) of the actual Hg^{+2} spike determined by the manual method. The actual ranges will be determined based on data obtained from these tests. EPA requests comment on whether this approach is appropriate.

Dated: March 12, 1997.

Elizabeth Cotsworth,

Acting Director Office of Solid Waste.

[FR Doc. 97–7215 Filed 3–20–97; 8:45 am]

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Friday
March 21, 1997

Part VI

Department of Transportation

Federal Aviation Administration

14 CFR parts 61, et al.

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking at Training Centers; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 61, 121, 135, and 142

[Docket No. 26933; Amendment Nos. 61–101, 121–263, 135–67, 142–1]

RIN 2120–AA83

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking at Training Centers; Editorial and Other Changes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment makes minor revisions to correct editorial errors. It also revises certain sections of regulations published on July 2, 1996 (61 FR 34508), to make them consistent with the intent expressed in the notice and final rule. These amendments will not impose any additional restrictions on persons affected by these regulations. This final rule implements new regulations that contain certification and operating rules for training centers that will use aircraft flight simulators and flight training devices for pilot training, testing, and checking.

EFFECTIVE DATE: March 21, 1997.

FOR FURTHER INFORMATION CONTACT: Warren Robbins, Airman Certification Branch (AFS–840), General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–3842.

SUPPLEMENTARY INFORMATION:

Background

On July 2, 1996, a final rule was published that implements new regulations containing certification and operating rules for training centers that will use aircraft flight simulators and flight training devices for pilot training, testing, and checking (61 FR 34508). The training center concept is intended to provide a common source for standardized, quality training accessible to any individual or corporate operator and air carriers.

This rule, in part, amended parts 61, 121, and 135, and added a new part 142 to incorporate aircraft simulation use. Minor editorial changes and minor modifications need to be made to some sections of these amended parts.

Discussion of the Amendments

Part 61

Section 61.4 Qualification and approval of flight simulators and flight training devices. This section is amended by consolidating paragraphs (a), (b), and (c) into a single paragraph (a). Paragraph (b), as amended, adds language that allows devices previously referred to as ground trainers and pilot trainers to continue to be used to meet various requirements of §§ 61.56, 61.57, 61.65, and 61.29, to the extent of their original approval. This was clearly the intent expressed in the preamble to the final rule.

It should be noted that, under revised paragraph (b), only devices qualified under Advisory Circular (AC) 61–66, ''Annual Pilot in Command Proficiency Checks'' (superseded) may continue to be used to satisfy requirements of § 61.56. All other such devices, to be defined as Level 1 Flight Training Devices in AC 120–45B, may be used only for the purpose and number of credited hours for which they had received acceptance or approval for use prior to August 2, 1996. Any such device must be shown to function as originally designed for the original approval to be valid. To be used for a different purpose or any additional credit, each training device will have to meet § 61.4(a) and the implementing criteria in effect at the time.

Paragraph (c), as amended, adds clarifying language consistent with the FAA's intent to allow, and continue to allow, certain devices not qualified as a flight simulator or a flight training device to be used for specific training, testing, or checking.

Section 61.51 Pilot logbooks. Paragraph (c)(2)(i) is revised to add words indicating that when the pilot is ''the sole occupant of the aircraft,'' he or she is the pilot in command of that aircraft. Removal of this language was not intended to preclude such a pilot from logging this time as pilot in command. This restores language that appeared in the rule prior to Amendment 61–100, to avoid misinterpretation.

Section 61.55 Second-in-command qualifications. This section is amended to correct an editorial error. Under paragraph (b)(3) the words ''the requirements of this paragraph (b)(3)'' are changed to read ''the requirements of paragraph (b)(2)'' to provide the correct reference.

Section 61.56 Flight Review. This section is amended by redesignating paragraph (e) as paragraph (d), and by reinstating paragraph (e) as it was amended by Amendment 61–93 (58 FR 405620, July 28, 1993), subsequent to publication of the Notice of Proposed Rulemaking (NPRM) that led to Amendment 61–100. This amendment aligns the paragraph numbers to agree with the 1993 structure, and continues the 1993 provision that a pilot who completes in the same timeframe a phase of the FAA-sponsored pilot proficiency awards program (i.e., WINGS Program) in an aircraft need not accomplish a biennial flight review.

Section 61.57 Recent flight experience: Pilot in command. This section currently requires that persons pass an instrument competency test in the category and class of aircraft involved. This section is amended to debate the words ''and class'' which were inadvertently inserted in paragraph (e)(2) in the NPRM. Although the addition of ''and class'' may be appropriate in other provisions, the FAA did not intend to propose that the instrument competency check be taken in specific class of aircraft. Instrument operations with various classes of the same category are not sufficiently distinct to warrant separate tests for each class.

Section 61.64 Additional aircraft ratings for other than airline transport pilot certificates (for other than parts 121 and 135 use). This section is amended by revising paragraph (b)(2), deleting paragraph (c)(2), and renumbering paragraph (c)(3) as paragraph (c)(2). Paragraph (b)(2), as revised, will reinstate the provision that the holder of a category rating for a powered aircraft will not have to take a knowledge test for an additional category rating. Paragraph (c)(2) incorrectly required applicants for an added class rating to take a knowledge test. These revisions correct language that was used in the NPRM and Amendment 61–100, although there was no intention to propose a change in the prior rule. An additional knowledge test is unnecessary for adding a category or class rating. Where one powered category rating is already held, the practical test is sufficient to test any additional theoretical knowledge that the pilot may need for the new category or class. Section 61.64(e)(10) is amended to revise the reference to paragraph (e)(9) to read ''paragraph (e)(9)(ii),'' since paragraph (10) refers only to paragraph (e)(9)(ii).

Section 61.65 Instrumental rating requirements. Paragraph (g)(1) is revised to delete the word ''any.'' This word was erroneously added in § 61.65(g)(1) prior to the phrase ''category, class, and type aircraft that is certified for flight in instrument conditions.'' Allowing the use of any category, class, and type of aircraft during the practical test (e.g., a helicopter being used for an airplane instrument rating practical test) would not adequately establish the applicant's qualifications.

Further under paragraph (g)(1), the phrase ''that is certified for flight in

instrument conditions'' should not have been added. This wording unintentionally precludes practical testing in some aircraft that may not be certified for flight into instrument meteorological conditions but which may be operated under instrument flight rules in visual meteorological conditions (i.e., the flight is not conducted in weather conditions that are less than minimums required for visual flight rules). Therefore, this wording has been deleted.

Under paragraph (g)(2) the words ''required by this paragraph (g)(2)'' are not needed and are therefore deleted.

Section 61.109 Airplane rating: Aeronautical experience. This section is amended to correct an editorial error. A typographical error that occurred when this final rule was printed rendered paragraph (f) as paragraph (h). Therefore, paragraph (h) should be redesignated as paragraph (f).

Section 61.129 Airplane rating: Aeronautical experience. Paragraph (b) is revised to correct an error in formatting that raised confusion as to whether the aeronautical experience provision of 100 hours of pilot time in an airplane and the provisions that break down that aeronautical experience requirement had been removed. Such a revision was not proposed and was never intended. This experience is necessary to ensure that the U.S. commercial pilot certificate meets International Civil Aviation Organization (ICAO) standards. The amended paragraph (b) avoids any confusion.

Section 61.157 Airplane rating: Aeronautical skill (for parts 121 and 135 use only). Paragraph (g) is revised to clarify that completion of an air carrier pilot-in-command proficiency check satisfies the requirement for demonstration of aeronautical skill only when the check is evaluated by a designated examiner or FAA inspector, and only when the check includes all maneuvers and procedures which are required for the original type rating. This has been the FAA's long standing interpretation of similar language in the flush paragraph which appears at the end of § 121.441(a), which states ''The satisfactory completion of a type rating flight check under § 61.157 of this chapter satisfies the requirement for a proficiency check.'' The intent, that a pilot-in-command proficiency check under these conditions satisfies the demonstration of aeronautical skill for a type rating, should be stated under § 61.157(g), not in § 121.441. Therefore, this action will also amend § 121.441 to delete that redundant flush paragraph.

Section 61.197 Renewal of flight instructor certificates. Paragraph (b) is revised to reinstate Amendment 61–95 (59 FR 17644, April 13, 1994) that eliminated the requirement for 24 hours of ground and flight training for a flight instructor refresher clinic. The 24 hour requirement had been erroneously reinserted by Amendment 61–100 (61 FR 34508). The revised paragraph will also allow any authorized Flight Standards Inspector to renew a flight instructor certificate. The paragraph is also revised to state that an applicant who is an instructor or evaluator of a part 142 Training Center may renew a flight instructor certificate, without the applicant accomplishing a practical test. This addition makes explicit one kind of ''comparable position involving the regular evaluation of pilots.'' Further, language has been added to this section explicitly stating that application for renewal must be made prior to the expiration date of a current flight instructor certificate. This always has been implied by this section.

Parts 121 and 135

Section 121.402 Training program: Special rules. Paragraph (a) of this section is amended by adding the word ''flight'' before ''training, testing, and checking.'' Paragraph (a) was not intended to require specialized training (e.g., hazardous materials training and maintenance technician training) to be done by another certificate holder or a part 142 Training Center.

Section 121.431 Applicability. Paragraph (a)(2) is revised to change the reference from ''§§ 121.411 and 121.413'' to ''§§ 121.414.'' Also, § 135.324 (Training Program: Special Rules) is amended by revising paragraph (b)(4) to change the reference from ''§§ 135.337 or 135.339'' to ''§§ 135.337 through 135.340.'' These two sections need to be amended in order to be consistent with the June 17, 1996 Amendment Nos. 121–257 and 135–64 (61 FR 30734) that added new sections to parts 121 and 135 regarding qualifications, and initial and transition training and checking requirements for flight instructors.

Part 142

Section 142.11 Application for issuance or amendment. This section is amended by deleting paragraph (e)(4) and redesignating paragraph (e)(5) as paragraph (e)(4). Paragraph (e)(4), as adopted, referred to § 142.21; however, because § 142.21 was a reserved section, reference made to it under § 142.11 is erroneous.

Section 142.53 Training Center instructor training and testing requirements. This section is amended by inserting in paragraph (a)(7)(ii) the words '' of a representative segment of each curriculum'' This insertion is needed to preclude confusion that might result from an interpretation that instructor testing must include all maneuvers, in apparent contradiction with paragraph (a)(1), which specifies that only a representative segment of each curriculum must be checked.

Federalism Implications

The regulations do 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 various levels of government. Thus, in accordance with Executive Order 12612, it is determined that such a regulation does not have federalism implications warranting the preparation of a Federalism Assessment.

Paperwork Reduction Act

The information collection requirements associated with this rule have already been approved. There are no further paperwork requirements associated with this correction.

Good Cause Justification for Immediate Adoption

This amendment is needed to make editorial corrections and minor clarifying revisions. Because the amendment is editorial in nature and would impose no additional burden on the public, I find that notice and opportunity for public comment before adopting this amendment is unnecessary, and that good cause exists for making this amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation imposes no additional burden on any person. Accordingly, it has been determined that the action: (1) Is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policy and Procedures (44 FR 111034, February 26, 1979). Also, because this regulation is editorial in nature, no impact is expected to result, and a full regulatory evaluation is not required. In addition, the FAA certifies that the rule 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.

List of Subjects

14 CFR Part 61

Aircraft, Airmen.

14 CFR Part 121

Air Carriers, Aircraft Airmen, Aviation safety, Charter flights.

14 CFR Part 135

Air Taxis, Aircraft, Airmen, Aviation safety.

14 CFR Part 142

Administrative practice and procedure, Aircraft, Airmen, Drug testing, Educational facilities, Reporting and recordkeeping requirements.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 61, 121, 135, and 142 as follows:

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

1. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

2. Section 61.4 is revised to read as follows:

§ 61.4 Qualification and approval of flight simulators and flight training devices.

(a) Except as provided in paragraphs (b) and (c) of this section, each flight simulator and each flight training device, for which any airman is to receive credit for use in satisfying any training, testing, or checking requirement under this chapter, must be qualified and approved by the Administrator for—

(1) The training, testing, and checking for which it is used;

(2) Each maneuver, procedure, or crewmember function performed; and

(3) The representation of the specific category and class of aircraft, type aircraft, and particular variation within type of aircraft, or set of aircraft in the case of some flight training devices.

(b) Any device found acceptable to, or approved by, the Administrator prior to August 2, 1996, which can be shown to function as originally designed, may be used for the same purposes for which it was originally accepted or approved and to the extent of such acceptance or approval only.

(c) The Administrator may, from time to time, approve devices other than flight training devices or flight simulators for specific purposes.

3. Section 61.51 is amended by redesignating (c)(2)(i)(B) as paragraph (c)(2)(i)(C) and adding a new paragraph (c)(2)(i)(B) to read as follows:

§ 61.51 Pilot logbooks.

* * * * *

(c) * * *

(2) * * *

(i) * * *

(B) The sole occupant of the aircraft; or

* * * * *

4. Section 61.55 is amended by revising paragraph (b)(3) to read as follows:

§ 61.55 Second-in-command qualifications.

* * * * *

(b) * * *

(3) Except as provided in paragraph (b)(4) of this section, the requirements of paragraph (b)(2) of this section may be accomplished in a flight simulator that is—

* * * * *

5. Section 61.56 is amended by removing paragraph (d), revising paragraph (e) and redesignating it as paragraph (d) and by adding new paragraph (e) to read as follows:

§ 61.56 Flight review.

* * * * *

(d) An applicant who has, within the period specified in paragraph (c) of this section, satisfactory completed a test for a pilot certificate, rating, operating privilege, or a pilot proficiency check need not accomplish the flight review required by this section if the test was conducted by a person authorized by the Administrator, or authorized by a U.S. Armed Force to conduct the test.

(e) A person who has, within the period specified in paragraph (c) of this section, satisfactorily completed one or more phases of an FAA-sponsored pilot proficiency award program in an aircraft need not accomplish the flight review required by this section.

* * * * *

6. Section 61.57 is amended by revising paragraph (e)(2) to read as follows:

§ 61.57 Recent flight experience: Pilot in command.

* * * * *

(e) * * *

(2) A person who does not meet the recent instrument experience requirements of paragraph (e)(1) of this section during the prescribed time, or within 6 calendar months thereafter, may not serve as pilot in command under IFR, or in weather conditions less than the minimums prescribed in VFR, until that person passes an instrument competency test in the category of aircraft involved, given by a person authorized by the Administrator to conduct the test.

* * * * *

7. Section 61.64 is amended by revising paragraphs (b)(2), (c)(2), and (e)(10) to read as follows:

§ 61.64 Additional aircraft ratings for other than airline transport pilot certificates (for other than parts 121 and 135 use).

* * * * *

(b) * * *

(2) Unless the applicant holds a category rating for a powered aircraft, pass the knowledge test applicable to the pilot certificate and aircraft category and class rating sought, and;

* * * * *

(c) * * *

(2) Pass the practical test required for the pilot certificate held, and required for the category and class rating sought.

* * * * *

(e) * * *

(10) An applicant meeting only the requirements of paragraph (3)(9)(ii) of this section will be issued an added rating with a limitation.

* * * * *

8. Section 61.65 is amended by revising paragraphs (g)(1) and (g)(2) to read as follows:

§ 61.65 Instrument rating requirements.

* * * * *

(g) * * *

(1) The flight increment may be accomplished in the category, class, and type of aircraft, as appropriate to the instrument rating sought, or in a qualified and approved flight simulator or qualified and approved flight training device.

(2) The practical test must include instrument flight procedures, selected by the person authorized by the Administrator to conduct the practical test, to determine the applicant's ability to perform competently the IFR operations described in paragraph (c) of this section.

* * * * *

9. Section 61.109 is amended by redesignating paragraph (h) as paragraph (f).

10. Section 61.129 is amended by revising paragraph (b) to read as follows:

§ 61.129 Airplane rating: Aeronautical experience.

* * * * *

(b) *Flight time as a pilot.* Except as provided in paragraph (c) of this section, and applicant for a commercial pilot certificate with an airplane rating must have at least the following aeronautical experience.

(1) A total of a least 250 hours of flight time as a pilot that includes at least 100 hours in powered aircraft including at least—

(i) Fifty hours in an airplane;

(ii) Ten hours of light instruction and practice given by an authorized flight instructor in airplane having a retractable landing gear, flaps, and a controllable pitch propeller; and

(iii) Fifty hours of flight instruction given by an authorized instructor that includes at least 10 hours of instrument instruction of which at least 5 hours must be in flight in airplanes, and 10 hours of instruction in preparation for the commercial pilot practical test.

(2) The 250 hours of aeronautical experience of paragraph (b)(1) of this section may include not more than—

(i) Except as provided in paragraph (b)(2)(ii) of this section, 50 hours of instruction in a flight simulator or flight training device, if it was receiving from an authorized instructor; or

(ii) 100 hours of instruction in a flight simulator or flight training device, if it was received from an authorized instructor in an approved course conducted by a training center certificated under part 142 of this chapter.

* * * * *

11. Section 61.157 is amended by revising paragraph (g) to read as follows:

§ 61.157 Airplane rating: Aeronautical skill (for parts 121 and 135 use only).

* * * * *

(g) Successful completion of a pilot-in-command proficiency or competency check satisfies the requirements of this section for the appropriate aircraft rating if that check—

(1) Complies with

(i) Section 121.441 of this chapter; or

(ii) The competency check requirements of § 135.293 of this chapter and § 135.297 of this chapter: and

(2) Includes all maneuvers and procedures required for award of an original type rating and is evaluated by a person designated by the Administrator or an FAA inspector.

12. Section 61.197 is amended by revising paragraph (b) to read as follows:

§ 61.197 Renewal of flight instructor certificates.

* * * * *

(b) A person who holds a current flight instructor certificate may renew that certificate and its ratings without accomplishing a practical test if that person makes application to an authorized FAA Flight Standards Inspector prior to its expiration and provided the following items are submitted.

(1) A record that shows that the applicant has satisfactory knowledge of pilot training, certification, and standards, and shows that, within the past 24 calendar months, the applicant has served—

(i) As a company check pilot;

(ii) As a chief flight instructor or assistant chief flight instructor;

(iii) As a company check airman or flight instructor in a part 121 or part 135 air carrier operation;

(iv) As an instructor or evaluator in a part 142 Training Center; or

(v) In a comparable position involving the regular evaluation of pilots.

(2) A graduation certificate from an approved flight instructor refresher course, consisting of ground training or flight training, or both.

* * * * *

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

13. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

§ 121.402 [Amended]

14. Section 121.402 is amended by adding the word ''flight'' before ''training'' in paragraph (a).

15. Section 121.431 is amended by revising paragraph (a)(2) to read as follows:

§ 121.431 Applicability.

(a) * * *

(2) Permits training center personnel authorized under part 142 of this chapter who meet the requirements of §§ 121.411 through 121.414 to provide training, testing, and checking under contract or other arrangement to those persons subject to the requirements of this subpart.

* * * * *

§ 121.441 [Amended]

16. Section 121.441 is amended by removing the following undesignated paragraph at the end of paragraph (a)(2)(ii): ''The satisfactory completion of a type rating flight check under § 61.157 of this chapter satisfies the requirement for a proficiency check.''

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON DEMAND OPERATIONS

7. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722.

18. Section 135.324 is amended by revising paragraph (b)(4) to read as follows:

§ 135.324 Training program: Special Rules.

* * * * *

(b) * * *

(4) Has sufficient instructor and check airmen qualified under the applicable requirements of §§ 135.337 through 135.340 to provide training, testing, and checking to persons subject to the requirements of this subpart.

PART 142—TRAINING CENTERS

19. The authority citation for part 142 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44703, 44705, 44707, 44709–44711, 45102–45103, 45301–45302.

§ 142.11 [Amended]

20. Section 142.11 is amended by removing paragraph (e)(4) and redesignating paragraph (e)(5) as paragraph (e)(4).

21. Section 142.53 is amended by revising paragraph (a)(7)(ii) to read:

§ 142.53 Training Center instructor training and testing requirements.

(a) * * *

(7) * * *

(ii) On the subject matter and maneuvers of a representative segment of each curriculum for which the instructor will be instructing.

* * * * *

Issued in Washington, DC on March 18, 1997.

Barry L. Valentine,

Acting Administrator.

[FR Doc. 97–7322 Filed 3–19–97; 1:11 p.m.]

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Friday
March 21, 1997

Part VII

General Services Administration

41 CFR Parts 302–1 and 302–10

Federal Travel Regulations; Final Rule

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 302–1 and 302–10

[FTR Amendment 65]

RIN 3090–AG38

Federal Travel Regulation; Transportation of a Privately Owned Vehicle Wholly Within the Continental United States

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Travel Regulation (FTR) to permit an agency to authorize the transportation of a privately owned vehicle (POV) in connection with the transfer of an employee within the continental United States (CONUS), or the assignment of a new appointee or student trainee who resides in CONUS to his/her first official station in CONUS, when the transportation is advantageous and cost effective to the Government. This amendment will benefit the Government by accelerating the employee's arrival and corresponding productivity contribution at the new official station.

DATES: This final rule is effective March 22, 1997, and applies to an employee whose effective date of transfer (date the employee reports for duty at the new official station) is on or after March 22, 1997.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel and Transportation Management Policy Division (MTT), Washington, DC 20405, telephone 202–501–0299.

SUPPLEMENTARY INFORMATION: A multi-agency travel reinvention task force was organized in August 1994 under the auspices of the Joint Financial Management Improvement Program (JFMIP) to reengineer Federal travel rules and procedures. The task force developed 25 recommended travel management improvements published in a JFMIP report entitled *Improving Travel Management Governmentwide*, dated December 1995. On September 23, 1996, the President signed into law the Federal Employee Travel Reform Act of 1996 (Pub. L. 104–201), which included 8 legislative changes recommended by the JFMIP to improve travel and the delivery of relocation services.

This amendment implements section 1715 of the Act which provides the General Services Administration (GSA) authority to issue regulations which authorize agencies to pay for the transportation of a POV wholly within CONUS when the transportation is advantageous and cost effective to the Government. This amendment is written in the ''plain English'' style of regulation writing as a continuation of GSA's effort to make the FTR easier to understand and to use.

How Does This Amendment Change the Allowance for Transportation of a POV?

This amendment allows an agency to authorize the transportation of a POV in connection with an employee's transfer within CONUS, or the assignment of a new appointee or student trainee whose residence is in CONUS to his/her first official station within CONUS, if the transportation is advantageous and, based on a cost comparison, cost effective to the Government. Previously, an agency could authorize transportation of a POV only to, from, or between posts of duty outside CONUS.

What is the ''Plain English'' Style of Regulation Writing?

The ''plain English'' style of regulation writing is a new, simpler to read and understand, question and answer regulatory format. Questions are in the first person, and answers are in the second person. GSA uses a ''we'' question when referring to an agency, and an ''I'' question when referring to the employee.

How Does the Plain English Style of Regulation Writing Affect Employees?

A question and its answer combine to establish a rule. The employee and the agency must follow the language contained in both the question and its answer.

GSA has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866 of September 30, 1993. This final rule is not required to be published in the **Federal Register** for notice and comment. Therefore, the Regulatory Flexibility Act does not apply. This rule also is exempt from Congressional review prescribed under 5 U.S.C. 801 since it relates solely to agency management and personnel.

List of Subjects in 41 CFR Parts 302–1 and 302–10

Government employees, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, 41 CFR chapter 302 is amended as follows:

PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

1. The authority citation for part 302–1 is revised to read as follows:

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—New Appointees and Transferred Employees

2. Section 302–1.14 is amended by revising paragraph (a)(3)(vi) to read as follows:

§ 302–1.14 Use of funds.

(a) * * *

(3) * * *

(vi) Transportation and emergency storage of employee's privately owned vehicle as set forth in § 302–10.11 of this chapter.

3. Part 302–10 is revised to read as follows:

PART 302–10—ALLOWANCES FOR TRANSPORTATION AND EMERGENCY STORAGE OF A PRIVATELY OWNED VEHICLE

Subpart A—General Rules

Sec.

Authority: 5 U.S.C. 5738; 20 U.S.C. 905(a); E.O. 11609, 36 FR 13474, 3 CFR, 1971–1975 Comp., p. 586.

Subpart A—General Rules

Note to Supart A: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–10.1 What is a ''privately owned vehicle (POV)''?

A motor vehicle not owned by the Government and used by the employee or his/her immediate family for the primary purpose of providing personal transportation.

§ 302–10.2 What is an ''official station'' for purposes of this part?

An official station is defined in § 302–1.4(k). For purposes of this part, an official station may be within or outside the continental United States (CONUS).

§ 302–10.3 What is a ''post of duty'' for purposes of this part?

An official station outside CONUS.

§ 302–10.4 What are the purposes of the allowance for transportation of a POV?

To reduce the Government's overall relocation costs by allowing transportation of a POV to your official station within CONUS when it is advantageous and cost effective to the Government, and to improve your overall effectiveness if you are transferred or otherwise assigned to a post of duty at which it is in the interest of the Government for you to have use of a POV for personal transportation.

§ 302–10.5 What is the purpose of the allowance for emergency storage of a POV?

To protect a POV transported at Government expense to your post of duty when the head of your agency determines that the post of duty is within a zone from which your immediate family and/or household goods should be evacuated.

§ 302–10.6 What POV transportation and emergency storage may my agency authorize at Government expense?

Your agency may authorize:

(a) Transportation of a POV to a post of duty as provided in subpart B of this part;

(b) Transportation of a POV from a post of duty as provided in subpart C of this part;

(c) Transportation of a POV wholly within CONUS as provided in subpart D of this part; and

(d) Emergency storage of a POV as provided in subpart E of this part.

§ 302–10.7 Must my agency authorize transportation or emergency storage of my POV?

No. However, if your agency does authorize transportation of a POV to your post of duty and you complete your service agreement, your agency must pay for the cost of returning the POV. Your agency determines the conditions under which it will pay for transportation and emergency storage and the procedures a transferred employee must follow.

§ 302–10.8 What type of POV may I be authorized to transport, and if necessary, store under emergency circumstances?

Only a passenger automobile, station wagon, small truck, or other similar vehicle that will be used primarily for personal transportation. You may not transport or store a trailer, airplane, or any vehicle intended for commercial use.

§ 302–10.9 For what transportation expenses will my agency pay?

When your agency authorizes transportation of your POV, it will pay for all necessary and customary expenses directly related to the transportation of the POV, including crating and packing expenses, shipping charges, and port charges for readying the POV for shipment at the port of embarkation and for use at the port of debarkation.

§ 302–10.10 For what POV emergency storage expenses will my agency pay?

All necessary storage expenses, including but not limited to readying the POV for storage, local transportation to point of storage, storage, readying the POV for use after storage, and local transportation from the point of storage. Insurance on the POV is at your expense, unless it is included in the expenses allowed by this paragraph.

§ 302–10.11 May I receive an advance of funds for transportation and emergency storage of my POV?

Yes, in accordance with § 302–1.14(a) and not to exceed the estimated amount of the expenses authorized under this part for transportation and emergency storage of your POV.

§ 302–10.12 May my agency determine that driving my POV is more advantageous and limit my reimbursement to what it would cost to drive my POV?

Yes. Your agency decides whether it is more advantageous for you and/or a member of your immediate family to drive your POV for all or part of the distance or to have it transported. If your agency decides that driving the POV is more advantageous, your reimbursement will be limited to the allowances provided in part 302–2 of this chapter for the travel and transportation expenses you and/or your immediate family incur en route.

Subpart B—Transportation of a POV to a Post of Duty

Note to Subpart B: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

General

§ 302–10.100 Who is eligible for transportation of a POV to a post of duty?

An employee who is authorized to transfer to the post of duty, or a new appointee or a student trainee assigned to the post of duty.

§ 302–10.101 In what situations may my agency authorize transportation of a POV to my post of duty?

Your agency may authorize transportation when:

(a) At the time of your assignment, conditions warrant such authorization under § 302–10.140;

(b) Subsequent to the time of your assignment conditions, which did not warrant authorization at the time of your assignment, change to warrant such authorization under § 302–10.170; or

(c) Subsequent to the time of your assignment, conditions warrant authorization under § 302–10.172 of a replacement POV.

§ 302–10.102 How many POV's may I transport to a post of duty?

One. This does not, however, limit the transportation of a replacement POV when authorized under § 302–10.172.

§ 302–10.103 Do I have to ship my POV to my actual post of duty?

Yes. You may not transport the POV to an alternate location.

§ 302–10.104 What may I do if there is no port or terminal at the point of origin and/or destination?

Your agency will pay the entire cost of transporting the POV from your point of origin to your destination. If you prefer, however, you may choose to drive your POV from your point of origin at time of assignment to the nearest embarkation port or terminal, and/or from the debarkation port or terminal nearest your destination to your post of duty at any time. If you choose to drive, you will be reimbursed your one-way mileage cost, at the rate specified in part 301–4 of this subtitle, for driving the POV from your authorized origin to deliver it to the port of embarkation, or from the port of debarkation to the authorized destination. For the segment of travel from the port of embarkation back to your authorized origin after delivering the POV to the port, or from your authorized destination to the port of debarkation to pickup the POV, you will be reimbursed your one-way transportation cost. The total cost of round-trip travel, to deliver the POV to the port at the origin or to pickup the POV at the port at your destination, may not exceed the cost of transporting the POV to or from the port involved. You may not be reimbursed a per diem allowance for round-trip travel to and from the port involved.

POV Transportation at Time of Assignment

§ 302–10.140 Under what specific conditions may my agency authorize transportation of a POV to my post of duty upon my assignment to that post of duty?

Your agency may authorize transportation when:

(a) It has determined in accordance with § 302–10.503 of this part that it is in the interest of the Government for you to have use of your POV at the post of duty;

(b) You have signed a service agreement; and

(c) You meet any specific conditions your agency has established.

§ 302–10.141 What is the ''authorized point of origin'' when I transport a POV to my post of duty?

Your ''authorized point of origin'' is as follows:

If you are a—	Your ''authorized point of origin'' is—
(a) A transferee	Your old official station.
(b) A new appointee or student trainee	Your place of actual residence.

§ 302–10.142 What will I be reimbursed if I transport a POV from a point of origin that is different from the authorized point of origin?

You will be reimbursed the transportation costs you incur, not to

exceed the cost of transporting your POV from your authorized point of origin to your post of duty.

§ 302–10.143 When I am authorized to transport a POV, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

Yes, provided:

(a) You purchased the POV new from the manufacturer or manufacturer's agent;

(b) The POV is transported FOB-shipping point, consigned to you and/or a member of your immediate family, or your agent; and

(c) Ownership of the POV is not vested in the manufacturer or the manufacturer's agent during transportation. In this circumstance, you will be reimbursed for the POV transportation costs, not to exceed the cost of transporting the POV from your authorized point of origin to your post of duty.

POV Transportation Subsequent to the Time of Assignment

§ 302–10.170 Under what specific conditions may my agency authorize transportation of a POV to my post of duty subsequent to the time of my assignment to that post of duty?

Your agency may authorize transportation when:

(a) You do not have a POV at your post of duty;

(b) You have not previously been authorized to transport a POV to that post of duty;

(c) You have not previously transported a POV outside CONUS during your assignment to that post of duty;

(d) Your agency has determined in accordance with § 302–10.503 that it is in the interest of the Government for you to have use of your POV at the post of duty;

(e) You signed a service agreement at the time you were transferred in the interest of the Government, or assigned if you were a new appointee or student trainee, to your post of duty; and

(f) You meet any specific conditions your agency has established.

§ 302–10.171 If circumstances warrant an authorization to transport a POV to my post of duty after my assignment to the post of duty, must I sign a new service agreement?

No, provided you signed a service agreement at the time of your assignment to the post of duty. Violation of that service agreement, however, will result in your personal liability for the cost of transporting the POV.

§ 302–10.172 Under what conditions may my agency authorize transportation of a replacement POV to my post of duty?

Your agency may authorize a replacement POV when:

(a) You require an emergency replacement POV and you meet the following conditions:

(1) You had a POV which was transported to your post of duty at Government expense; and

(2) You require a replacement POV for reasons beyond your control and acceptable to your agency, such as when the POV is stolen, or seriously damaged or destroyed, or has deteriorated due to conditions at the post of duty; and

(3) Your agency determines in advance of authorization that a replacement POV is necessary and in the interest of the Government; or

(b) You require a non-emergency replacement POV and you meet the following conditions:

(1) You have a POV which was transported to a post of duty at Government expense;

(2) You have been stationed continuously during a 4-year period at one or more posts of duty; and

(3) Your agency has determined that it is in the Government's interest for you to continue to have a POV at your post of duty.

§ 302–10.173 How many replacement POV's may my agency authorize me to transport to my post of duty at Government expense?

Your agency may authorize one emergency replacement POV within any 4-year period of continuous service. It may authorize one non-emergency replacement POV after every four years of continuous service beginning on the date you first have use of the POV being replaced.

§ 302–10.174 What is the ''authorized point of origin'' when I transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty?

Your agency determines the authorized point of origin within the United States.

§ 302–10.175 When I am authorized to transport a POV, including a replacement POV, to my post of duty subsequent to the time of my assignment to that post of duty, may I have the manufacturer or the manufacturer's agent transport a new POV from the factory or other shipping point directly to my post of duty?

Yes, under the same conditions specified in § 302–10.143 of this subpart.

Subpart C—Return Transportation of a POV From a Post of Duty

Note to Subpart C: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–10.200 When am I eligible for return transportation of a POV from my post of duty?

You are eligible for return transportation when:

(a) You were transferred to a post of duty in the interest of the Government; and

(b) You transported a POV under this part to the post of duty.

§ 302–10.201 In what situations will my agency pay to transport a POV transported from my post of duty?

Your agency will pay when:

(a) You are transferred back to the official station (including post of duty) from which you transferred to your current post of duty;

(b) You are transferred to a new official station within CONUS;

(c) You are transferred to a new post of duty, where your agency determines that use of a POV at that location is not in the interest of the Government;

(d) You separate from Government service after completion of an agreed period of service at the post of duty to which the POV was transported under this part;

(e) You separate from Government service prior to completion of an agreed period of service at the post of duty to which the POV was transported under this part, and the separation is for reasons beyond your control and acceptable to your agency; or

(f) Conditions change at your post of duty such that use of the POV no longer is in the interest of the Government.

§ 302–10.202 When do I become entitled to return transportation of my POV from my post of duty to an authorized destination?

You become entitled when:

(a) You transported a POV to your post of duty at Government expense;

(b) You have the POV at that post of duty; and

(c) You have completed your service agreement.

§ 302–10.203 Is there any circumstance under which I may be authorized to transport my POV from a post of duty before completing my service agreement?

Yes. If conditions change at your post of duty such that use of your POV no longer is in the interest of the Government, or if you separate from Government service prior to completion of your service agreement for reasons beyond your control and acceptable to your agency, your agency may authorize

return transportation to your authorized destination. When the return transportation is based on changed conditions, you still are required to complete your service agreement. If you do not, you will be required to repay the transportation costs.

§ 302–10.204 What is the ''authorized point of origin'' when I transport my POV from my post of duty?

The last post of duty to which you were authorized to transport your POV at Government expense.

§ 302–10.205 What is the ''authorized destination'' of a POV transported under this subpart?

The ''authorized destination'' is as follows:

If—	The authorized destination of the POV you transport at Government expense is—
(a) You are transferred to an official station within CONUS,	Your official station.
(b)(1) You are transferred to another post of duty and use of a POV at the new post is not in the interest of the Government;	Your place of actual residence.
(2) You separate from Government service and are eligible for transportation of your POV from your post of duty; or	Your place of actual residence.
(3) Conditions change at your post of duty such that use of your POV no longer is in the interest of the Government at that post of duty,	Your place of actual residence.

§ 302–10.206 What should I do if there is no port or terminal at my authorized point of origin or authorized destination when I transport a POV from my post of duty?

Your agency will pay the entire cost of transporting the POV from your authorized origin to your authorized destination. If you prefer, however, you may choose to drive your POV to the port of embarkation and/or from the port of debarkation. If you choose to drive, you will be reimbursed in the same manner as an employee covered under § 302–10.104.

§ 302–10.207 What will I be reimbursed if I transport my POV from a point of origin or to a destination that is different from my authorized origin or destination?

You will be reimbursed the transportation costs you actually incur, not to exceed what it would have cost to transport your POV from your authorized origin to the authorized destination.

§ 302–10.208 If I retain my POV at my post of duty after conditions change to make use of the POV no longer in the interest of the Government, may I transport it at Government expense from the post of duty at a later date?

Yes, your agency will pay the transportation costs not to exceed the cost of transporting it to the authorized destination, provided you otherwise meet all conditions for transportation of a POV.

§ 302–10.209 Under what conditions may my agency authorize me to transport from my post of duty a replacement POV purchased at that post of duty?

Your agency may authorize transportation only if:

(a) At the time you purchased the replacement POV, you met the conditions in § 302–10.172 of this part; and

(b) Prior to purchase of the replacement POV, your agency authorized you to purchase a replacement POV at the post of duty.

Subpart D—Transportation of a POV Wholly Within the Continental United States (CONUS)

Note to Subpart D: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–10.300 When am I eligible for transportation of my POV wholly within CONUS at Government expense?

When you are an employee who transfers within CONUS in the interest of the Government, or you are a new appointee or student trainee relocating to your first official station within CONUS.

§ 302–10.301 Under what conditions may my agency authorize transportation of my POV wholly within CONUS?

Your agency will authorize transportation only when:

(a) It has determined that use of your POV to transport you and/or your immediate family from your old official station (or place of actual residence, if you are a new appointee or student trainee) to your new official station would be advantageous to the Government;

(b) Both your old official station (or place of actual residence, if you are a new appointee or student trainee) and your new official station are located within CONUS; and

(c) Your agency further determines that it would be more advantageous and cost effective to the Government to transport your POV to the new official station at Government expense and to pay for transportation of you and/or your immediate family by commercial means than to have you or an immediate family member drive the POV to the new official station.

§ 302–10.302 How many POV's may I transport wholly within CONUS?

You may transport any number of POV's under this subpart, provided your agency determines such transportation is advantageous and cost effective to the Government.

§ 302–10.303 If I am authorized to transport my POV wholly within CONUS, where must the transportation originate?

The POV transportation must originate as follows:

If you are—	Your transportation must originate at—
(a) A transferee,	Your old official station.
(b) A new appointee or student trainee,	Your place of actual residence.

§ 302–10.304 If I am authorized to transport my POV wholly within CONUS, what must the destination be?

Your new official station.

Subpart E—Emergency Storage of a POV

Note to Subpart E: Use of the pronouns ''I'' and ''you'' throughout this subpart refers to the employee.

§ 302–10.400 When am I eligible for emergency storage of my POV?

You are eligible when:

(a) Your POV was transported to your post of duty at Government expense; and

(b) The head of your agency determines that your post of duty is within a zone from which your immediate family and/or household goods should be evacuated.

§ 302–10.401 Where may I store my POV if I receive notice to evacuate my immediate family and/or household goods from my post of duty?

You may store your POV at a place determined to be reasonable by your agency whether the POV is already located at, or being transported to, your post of duty.

Subpart F—Agency Responsibilities

Note to Subpart F: Use of the pronouns ''we'' and ''you'' throughout this subpart refers to the agency.

§ 302–10.500 What means of transportation may we authorize for POV's?

(a) Commercial means if available at reasonable rates and under reasonable conditions; or

(b) Government means on a space-available basis.

§ 302–10.501 How should we administer the allowances for transportation and emergency storage of a POV?

To minimize costs and to promote an efficient workforce by providing an employee use of his/her POV when it mutually benefits the Government and the employee.

§ 302–10.502 What governing policies must we establish for the allowances for transportation and emergency storage of a POV?

You must establish policies governing:

(a) When you will authorize transportation and emergency storage of a POV;

(b) When you will authorize transportation of a replacement POV;

(c) Who will determine if transportation of a POV to or from a post of duty is in the interest of the Government;

(d) Who will determine if conditions have changed at an employee's post of duty to warrant transportation of a POV in the interest of the Government;

(e) Who will determine if transportation of a POV wholly within CONUS is more advantageous and cost effective than having the employee drive the POV to the new official station; and

(f) Who will determine whether to allow emergency storage of an employee's POV, including where to store the POV.

§ 302–10.503 Under what condition may we authorize transportation of a POV to a post of duty?

You may authorize transportation only when you determine, after consideration of the factors in § 302–10.504, that it is in the interest of the Government for the employee to have use of a POV at the post of duty.

§ 302–10.504 What factors must we consider in deciding whether to authorize transportation of a POV to a post of duty?

You must consider:

(a) Whether local conditions at the employee's post of duty warrant use of a POV;

(b) Whether use of the POV will contribute to the employee's effectiveness on the job;

(c) Whether use of a POV of the type involved will be suitable under local conditions at the post of duty;

(d) Whether the cost of transporting the POV to and from the post of duty will be excessive, considering the time the employee has agreed to serve at the post of duty.

§ 302–10.505 What must we consider in determining whether transportation of a POV wholly within CONUS is cost effective?

(a) Cost of travel by POV.

(b) Cost of transporting the POV.

(c) Cost of travel if the POV is transported.

(d) Productivity benefit you derive from the employee's accelerated arrival at the new official station.

Dated: March 19, 1997.

David J. Barram,

Acting Administrator of General Services.

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